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OR

ABRIDGEMENT

OF THE ACTS OF

PARLIAMENT,

lade by K. *James* the I. and II. III. IV. V. *Queen Mary*, Ja. VI. K. *Charles* I. and *Charles the* II. Kings and Queen of Scotland.

Digeſted into HEADS,

Set down after the Order of the ALPHABET.

EDINBURGH,

Printed by *John Reid*, Anno 1685.

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Of the Following

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AN

ABRIDGEMENT
OF THE
ACTS
OF
PARLIAMENT.

Digested into HEADS, set down after the Order of the Alphabet.

A

ABERDEEN.

Act, Granting to the Town of *Aberdeen*, an yearly Fair on the munday before Whitsonday, to continue for eight dayes with the haill Jurisdictions and Customes thereof. Jam. 6. Par. 13. Cap. 189. pag: 674.

Confirmation by King, and Parliament, To the Town of *Aberdeen* of all Annuels, Fewtermes, Chaplanries, and Prebendaries, which belonged before to the Chaplanes of their Parish Kirk, and contained in their gift. Ibid. cap. 191. pag: 677:

ABSENT.

The causes of all Merchants, and others abroad not *animo morandi*, and there dying, should be discused before their Ordinaries within the Realme, By whom their Testaments are confirmed. Jam. 1. Par. 6. cap. 18. pag: 25: see passing forth of the Realme.

ACT and LETTERS.

Act and Letters of continuation of summonds discharged, Car. 2. P. 2. sess. 3. cap. 6. pag: 58; see the Act in *Summonds*.

ACTION, *See Judge, and Summonds*

In all *Actions* in the Temporal Courts, The partie perſewer it preſent, ſhall ſwear, That the cauſe he trowes *Is* good, and leill. Jam. 1. par. 9. cap. 125. pag. 39. See there the form of the Oath, to be ſworn by the Advocat in the ſoul of his Client abſent.

That all parties firſt paſs to their Judge ordinarie and perſew Juſtice Ja. 3. par. 5. cap. 26. pag. 100. See it in *Judges.*

That all Civil *Actions* be firſt perſewed before the ordinaries, as Juſtice, Chamberlain, Shirreff, Barron, Proveſt, and *B*aillies, and others; And that there be onlie perſewed before the Lords of Seſſion, Actions pertaining to the King, or moved by Kirk-men, Widows, Orphanes, Pupils, or Strangers, or Complaints upon other Officiars, In which laſt caſe the Enrolments of the Officers of Court are to be produced, and this Act to indure untill the next Parliament, Ja. 3. p. 14. c. 105. page 135. If either Defender, or Perſewer, in any Action, ſhall ſlay, Wound, or Invade, the other, ſo as it may be a ground of a Criminal perſuit, or that he be airt and pairt, thereof at any time, from the executing of the Summonds, untill the compleet executing of the Decreet, if it be the Defender, he ſhall be condemned without any other probation, then that the Invader is convict, or denounced for the deed by the Juſtice, or other Criminal Judge: And if the perſewer be the Invader, That on the like probation the Defender be aſſoilzied, and the ſaids Sentences to be irreducible, even on the head of Minoritie, or any other ground. Item, the Invader being denounced for not finding caution, or not compearance, That immediatlie he tine his Life-rent eſcheat; And the King Promiſes, to grant no remiſſion in this caſe, and the uſing of any ſuch Remiſſion, is declared to be reput, as Conviction, to the effect foreſaid; And this Act to indure, for ſeven years. Jam. 6. p. 8. cap. 131. pag. 485: *B*ut thereafter made a perpetual Law. Jam. 6. par. 14. cap. 219. pag. 703.

ADHERENCE, *See* Marriage.

ADJUDICATION, *See* Compriſings.

Adjudications Declared Redeemable within ſeven years after the date, at the inſtance of Con-creditors, on after another, according to their diligences in adjudging in like manner

manner by payment of the principal sums contained in the Sentences of Adjudication, & Annual rents thereof, with the expenses made in obtaining the same, at the Lords of Session their Modification, Deducing alwayes the Prior adjudgers their Intromissions, and the victual-rent to be estimat at the Common price of the Shire, betwixt Zule, and Candlemess. Item a Minor Renouncing to be Aire in his Minoritie, may be reponed, and redeem, by payment, and loseth all the Priviledges granted to Minors, in Compriſings. Jam 6. par. 23. cap. 7. pag. 968. The Act 1661. *Anent Compryſings*, Extended to Adjudications, in all points. Car. 2. par. 1. Sess 1. cap. 62. pag. 268.

That the Superior have an years dewtie for the entring the Adjudger, as for entring the Compriſer, And that Adjudications, and Compriſings, be in all cases alike, as to the Superiors. Car. 2. par. 2. Sess. 1. cap. 18. pag. 414.

That in place of Compriſings, the Lords of Session, at the instance of any Creditor adjudge, and decern to him in satisfaction of his Debt, as the same shall be decerned by the Lords, such a part of the Debitors estate formerlie Appriſable, as shall be worth the principal summe, and Annual-rent resting, and a fifth part more, for the Crediiors want of the use of his money, beside the compoſition to the Superior, and expenses of the *Infeftment*, and his Adjudication to proceed on probation, for the Creditor, and also for the Debitor, if he desire it, of the value of the *Land*, and what it hath payed for five years by gone, and may pay, and what the rates are in the Country where it lyes: With power to the Lords, to determine on the warrandice; Upon which Adjudication the Creditor shall have immediatlie the Intromiſſion for this Annual-rent without being lyable to compt and reckoning. And in case the Lands, and others adjudged be affected with Liferents, or otherwayes yeeld no rents, the same shall be expreſſed in the Decreet, and the Annual-rent effeiring to the inlaik of the rent is to be added to the principal at the Redemption, and the Lands and others adjudged are to remain Irredeemably, with the adjudger, if not redeemed within five years, be payment of principal, and Annual-rents, Compoſition to the Superior, and expenses of obtaining Infeftment, and Annual-rent of the same inlaicking, as said is. Item the Creditor, may use all manner of Execution, perſonal, or real, for his Debt, against Principal, or Cautioner,

tioner, untill he get actual poſſeſſion, as ſaid is. Item that no Appryſſing be led hereafter of Lands or rights, unleſs they be already appriſed, by another Creditor, But if the *Debitor* produce not the evidents of the Lands, and others adjudged, with a ſufficient right thereof at the Lords ſight, and if he renounce not all right and poſſeſſion, and Ratifie the Decreet of Adjudication, then the Creditor may adjudge all Eſtate belonging to the Debitor, in the ſame manner, as if he might have compriſed it before, conform to the Act 1661. And under the ſame Reverſion. Item, the Superior and Adjudger are Declared to be in the ſame caſe after citation in this Proceſs, as if compriſſing were led, and a charge given thereon; and thir Adjudications to be allowed, and recorded, as Compriſſings. Car. 2. par. 2. Seſſ: 3. cap. 19, *Anno*, 1672. page 501.

ADMIRAL.

That the *Admiral* exerce no Juriſdiction, nor exact no kind of dewty, or caſuality but according to the uſe before the Death of King *James* the 5th, Notwithſtanding of any greater ſpeciality contained in his *Infeftment* bygone or to come. Jam. 6. par. 12. cap. 160. pag: 649:

That in reſpect the Admiral Court, is a Soveraign Judicatory, importing of its own nature ſummar Execution, Therefore Letters of Horning paſs upon their Decreets, ſicklike as on ſhirreffes, &c. By the Act Ja. 6. p. 18. c. 10. pag: 810: Ja. 6. p. 20. c. 15. pag: 851: And this Act Ratified, and the Court of Admirality Decerned to be a Soveraign and Suprem Court, in it ſelf: That the High Admiral is His *Maieſtie's* Lievtennent, and Juſtice General on the Seas, And in all ports, Harbours, or Creeks thereof, and upon freſh-Waters, or navigable Rivers, below the firſt *Bridges*, or within the higheſt Flood-marks: That he hath the ſole Juriſdiction in all *Maritime* cauſes, Forreign, or *Domeſtick*, Civil, or Criminal, excluſive of all other Judges: That he may cauſe parties find caution, both for compearance, and performance: That he may puniſh the breakers of his arreſtments, and deforcers of his Officers, and hath right to their fines: That the ſaid high Court may reduce the Decreets of Inferiour Courts of Admirality, and alſo review its own: That there be no Advocation from the ſaid court, and no ſuſpenſions granted of their Decreets; But by the whole Lords

Lords in time of session, and three Lords in time of Vacance, and they be discussed summarly. And lastly that the Admiral, and his Depute have the sole right of granting passes, and safe conducts, to all ships, And all Acts and Customes contrare to this Act are rescinded. Car. 2: par. 2. cap. 16. pag: 552:

ADULTERIE.

That open, manifest, and incorrigble Adulterers, after the Kirk censures executed upon them, be denounced Rebels, and their gudes escheat. Q. M. p. 5. c. 20. pag: 281: That open and manifest Adulterers after due monition made to them to abstain, be punished to the death, reserving the former Laws against other Adulterers. Q. M. par. 9. cap 74. pag. 322. And nottour, and manifest Adulterie worthie of death, Declared to be, where bairns are procreat, or the Adulterers keep company, and bed together, notoriously, or when suspect, and duly admonished, they refuse the Kirk by *Repentance*, or Purgation, And are therefore excommunicat. J. 6. p. 7. c. 105. pag: 446 A woman divorced for Adultery, and married, or openly at bed and buird, reforting in company with her Adulterer, may not annailzie her Lands, or possessions, in prejudice of the Airs of the first *Marriage*, or of her other Airs. And all such alienations, aswell since *July* 1587, as in time coming, are declared null, by way of exception in all Courts, Ja. 6. p. 12. c. 119. pag: 612: All Marriages betwixt persons divorced, and their Adulterers, Decerned to be unlawful, and null, and their issue inhabile to succeed to their Parents, Ja. 6. par. 16. cap. 20. pag. 777:

ADVOCATS *See* Session.

Promise and Oath of the *Estates* not to maintain, defend be Advocats, or stand at the bar with manifest Traitors, and other Notorious Malefactors, but only to compeir with their Kin and Freinds in sober wayes, in the defence of them in honest actions. Ja. 3. par. 14. cap. 92. pag: 131: See it in Treason.

Advocats may frielie compear for, and defend persons accused in Parliament for Treason, or otherwayes, Ja. 6. Par. 11. c. 38. pag: 547: And this warrant more fullie given as to Treason, and all other Crimes before any Judge, and that the Judge may compel them to procure, in case of their refuse. Ibid. cap. 91. page 578.

Advocat

Advocat Fees, see the Act of Regulation. Car. 2. par 2. Sess. 3. cap. 16. pag. 435.27

ADVOCATION, See Declinatour.

That no *Advocation* of causes be from the Judge ordinarie, Except for deadly feede, or that the Shirreff principal or the Judge be partie, or in the causes of the Members of the Colledge of Justice. Q. M. Par. 6. c. 39. pag. 296. But this Act is anent the warning of Tennents, and what is subjoyned anent Advocations, may seem to relate to the Actions of removing therein mentioned. Act discharging the Lords of session, to grant Advocations from Judges competent, for sums within 200 Merks, or for any cause whereunto the Inferiour Judges are by Law expresly appointed to be Judge. Car. 2. par. 1. sess. 3 cap. 9. pag. 322.

AIRE and AIRESHIP.

The moveable Airship of Barrons, is the best of ilk a thing, after the statute of the Burrow Laws. Jam. 3. par. 7. cap 53. pag. 114.

That Airs who were at the field of *Stirling*, with King *James* the fourth be not prejudged by their Predecessors, but all Alienations made sensyne to their hurt, are Declared void. Jam. 4. par. 1. cap. 6. pag. 148.

The creditor may follow the Aire after a year, because the Executor in that year should be responsal, and the Aire may put him to compt, and cause him find caution. Jam 4. par. 6. cap. 76. pag. 184.

Airs of perfect age lying out unentred, may be charged on Fourtie dayes, to enter to their Lands, year and day being past, after their Predecessors death: And on their failzie comprising may proceed, Redeemable alwayes in seven years, Ja. 5. par. 7. cap. 106. pag. 250. And this course may be taken against them, albeit Minors. Jam. 6. par. 23. cap. 6. pag. 966. And aswell for their own, as their Predecessors Debts, And the former Act is thus expresse extended Jam. 6. par. 23. cap. 27. pag. 1006.

That the Creditors of the Defunct, be preferred to the Creditors of the Appearand Aire, as to the Defuncts Estate. Providing they doe diligence against the Appearand Aire, and real Estate of the Defunct, within three years after the Defuncts decease: Item that no right, nor disposition, made by an Appearand Aire, in prejudice of his Predecessors Creditors, be valide

valide, unless made a full year after his Predecessors death: Car. 2. par. 1. sess. 1. c. 24. pag: 185:

An Appearand Aire, or Confident to his behoove, acquiring right to an expyred Compriſſing led against his Predecessour, the same is Declared Redeemable within the space of ten years after the acquiring, by any posteriour Compriſer upon payment allanerly of the sums trulie payed out for the same, At least what is resting thereof, unsatisfied by the Appeirand Airs, or Confidents intromission. Car. 2. p. 1. sess. 1. c. 62. ¶ 10: pag. 273. This Act is, for ordering the payment of Debts betwixt Creditor and Debitor.

ALE and BEIR.

The prices of Ale, and drinking Beir, should be set by the Lords of Council, according to the rates of the rough Beir, and Barley, Car. 2, par. 2. Sess. 1. cap. 15. pag: 407.

ALIENATIONS Double.

He who gets Lands, or Annual-rents, by sale, or disposition, where warrandice may fall, and bruicks the same year and day, by labouring, or uplifting the mails and dewties, is preferred to the person havand privat state and saising of the same of before, and not publickly Infeft. *Item*, That no man grant such double Alienations, or double Assedations, or Assignations, And that no Over-lord receive double resignation wittingly, under the pain of Infamie, and to be punished in person and guides, Jam. 5, par. 7, cap. 105. pag: 250. And farther that double dispositions be not made and the making thereof is Declared to be *Crimen stellionatus*, Jam. 6, par. 12. cap. 142. page 635. The Act is, No Person may be denounced Rebel upon Letters charging all and sundry generally.

Alienations made by Traitors, after the committing of the Crime, are null, Jam. 6. par: 2. cap. 36, pag: 380:

ALIENATIONS Fraudfull.

Reductions of Alienations in defraud of Creditors, are Priviledged upon Twenty one Dayes warning, without dyet, table, or continuation: And before the Partie receiver of the Alienation, be admitted to produce and answer, he should consign in the Clerks hands, a sum to be modified be the Lords, and given to the Pursuer, in case the Alienation be found to be fraudfull, Jam. 6. par. 7. cap. 118. *circa finem*: page 465:

All Alienations, Dispositions, and Assignations

made by Debitors, of their *Lands*, *Teinds*, *Reversions* and *Gudes* whatsumever, to any Conjunct, or Confident Person, without a true and just cause, after the contracting of their Debts, may be Declared null, at the instance of just Creditors: And if any third partie purchase lawfully the saids Lands, or Gudes, from the saids Conjuncts, or Confidents, his right shall stand: *But* the Receiver of the price shall be lyable to make the sam furth coming to the saids Creditors. *Item*, the fraud may be proven by writ, or oath of the partie Receiver of the said security, that it was without any true, and just cause, or that the Lands, and gudes being again sold, the price, or most part thereof was, or is to be converted to the *Bankrupts* use; providing alwayes, That what of the saids Lands, and Gudes, or price hereof, shall be reallie applied by the saids interposed persons, to the *Bankrupts* lawful Creditors, shall be allowed, they making the rest furth coming. *Item* if any Dyvour, or his Confident, shall make any voluntar payment, or right, in defraud of the more timelie lawful diligence of another Creditor, having used Inhibition, Horning, Arrestment, Comprissling, or other lawful mean, to affect the Dyvours Lands, Gudes, o price thereof, The Dyvour, or his Confident, shall be holden to make the same furth coming, to the more vigilant Creditor, who shall be preferred to his said Con-creditor, And have action to make him restore, what was voluntarlie payed, in defraud, as said is; And all *Bankrupts*, and their interposed persons, for covering their frauds, and all their willfull Assisters therein, by Councel, or otherwayes, shall be repute Infamous, incapable of honour, or Office, or to pass upon inquests, or to be witness in Judgement or out with. *Jam:* 6: par 23: cap: 18: pag: 978:

St. ANDREWS, See Universsity.

ANN.

The Ann due to the Executors of deceast Bishops, and *Ministers*, is Declared to be a halfe a Years *Rent*, over what is due to the defunct for his Incumbency; *To wit*, if he survive whitsunday, the halt of that Year is due for his Incumbency, and the other half for the Ann, and if he survive *Michaelmess*, the whole Year is due for his incumbency, and the halt of the the nixt Year for the Ann: and the Executors need not to confirm the Ann: Car: 2: p: 2: Sess: 3: cap; 13: pag: 469:

ANNEXATION, and ANNEXED Property, See Dissolution.

Annexation of the Customes, and Burrow mails, to the Crown. Jam. 1. par. 1, Cap. 8: pag: 3:

Act Annexing certain Lordships, Lands, and Castles, to the Crown, therewith to remain perpetually, which may not be given away in fee, or frank-tenement, without Advice and Decreet of the whole Parliament, and for great, and seen causes for the good of the Realme; And any alienation otherwayes made by the King, or his Successors, to be of none avail: But the King for the time may resume the Lands, without Process, and make the Possessors refound all profits; And that the King, and his Successors swear at their Coronation, to keep this statut: Jam: 2: par: 11, cap: 41: pag: 66:

Annexation of the Earldom of *Ross* to the Crown, not to be annailzied, excepct that it may be given to one of the King's second Sons: Ja: 3: par: 9: cap: 72: pag: 120: And the Earldom of *Ross*, and Lordship of *Ardmannoch*, are appointed to be the proper Patrimony of the King's second Son: Jam: 6: par: 11: cap, 30: ¶ 2: Page 536:

Annexation of the Earldom of *March*, and other Lands, to the Crown, with the same clauses, set down in the *Act*: Jam: 2: par: 11: cap: 41: pag: 67: Jam: 3: par; 14. Cap: 112: pag 139:

Annexation of Lands to Barronies, and the effect of it See *Barronies:*

Annexation of certain Lands by King *James* 5th, Not to be Annailzied, without decreet of Parliament, for great and reasonable causes, first advised by the Estates, Jam: 5: par: 6: cap: 84: pag: 236:

Another *Annexation* made by him of more Lands, with an exception onlie to set in few, for augmentation of the rental, conform to the Acts of Dissolution, Jam: 5; par: 7: cap: 115: *in fine*: pag: 254:

Annexation of the haill Temporality of the Kirk to the Crown, made the 29: of *July*, 1587: And to begin fra the term of *Martimes inclusive*, the said Year; but with a dissolution, that the same may be set in few: And the Ecclesiastick Persons are Declared free of warrandice, Except fra their own deeds: And the Act contains many other conditions, and exceptions, as

particularly, it excepts all Teinds pertaining to any Parsonage, or Viccarage, where the stock and teind are not set together: All Castles, Houses, and Mansions, with Biggings & Yeards thereof, lying within their precincts, pertaining to Bishops, and other Prelates, all Parsons, and Vicars Manses: with four Aikers of Gleib, appointed for Ministers, all Lands, Teinds, and others disponed to Colledges, Schools, or Hospitals, or for sustentation of Ministers, within Burgh, together with all Laik Patronages, as also without prejudice of all Fewes, Tacks and other Rights, and all pensions lawfully disponed of before: Providing alwayes, that the Superiorities belong to the King, and that the Airs of the Vassals be entred by Brieves out of His Highness Chancellary, as the Airs of his other Tennents: *Item*, that where stock and teind are set in Few together, the Superiority remain intirely with the King, and the Ecclesiastick person, to have the tenth of the whole dewties, payable for stock and teind. *Item*, that Burrowes of Regality, and Barrony, formerly holden of the Kirk, enjoy the same Rights, and Liberties, of exercing Merchandice, and having their own Officiars, to be holden of the King, as also, that the King now become their Superior, have the same right to the Nonentries of Tenements, and annual rents within the same, seing they are not free Barrones regal, that the Prelates had before, and that the entries be exped by his Highness Chancellarie. *Item*, this Annexation prejudges nor heretable Bailzies, and Stewarts, in Kirk-Lands; except only as to the change of their Superior. *Item*, the King reserves liberty to himself to make from this Act of Annexation, what exceptions he pleases being signified under his own, and the Lord Chancellors hand, betwixt and the 15. of *August* then nixt, several of which exceptions are subjoyned in the Act. Jam. 6. par. 11. cap. 29. pag. 520. But this Act rescinded in so far as prejudicial to the Estate of Bishops. Jam. 6. par. 18. cap. 2: ¶ 2. pag. 795.

Prelates and others, whose Lands are annexed to the Crown are declared free of all warrandice of any disposition whatsoever made of, or anent their temporalities: Except in the case of double rights, and from their own deeds. Jam. 6. par. 18. cap. 111. pag. 590.

Annualrents payed out of the Kings annexed property to any Prelat, or other Beneficed Person after their

Decease

Decease, remain with the King as a part of the patrimonie of his Crown. And it is Statut that none have right thereto hereafter, without prejudice to Hospitals, Colledges, and Schools. Jam. 6. par. 13. cap. 171. page 667: See Comptroller, and Exchequer.

Act annexing the Lands therein contained to the Crown, with the ordinary clauses, and expresly that they may not be given away in free, frank-Tenement, Pensions, or other disposition, except for great and reasonable causes concerning the Realm, first to be advised by the whole Estates of Parliament, and their Decreet interponed, *Ibid.* cap. 180. page 666.

Annexation of all Lands, Teinds, and others, lyand on the North, side of the water of *Forth*: Excepting the Barronies of *Burnt-Island*, and *Newbirn*: And with an ample Exception, and Ratification of the Infeftments of the Barronie of *Musselburgh* granted to the Lord *Thirlestane*, Jam. 6. p. 13. cap. 192. page 677.

Act Ratifying all former Acts of Annexation, specially the Acts Jam. 2. p: 11. cap. 41. and Jam. 5. par. 6. cap 84. and rescinding the Act of Dissolution past in Parliament in King *James* the sixth his minority. Jam. 6. par. 9. cap. 6. and all other Acts of Dissolution made in the Minority of Kings, albeit the same with the Infeftment thereon be Ratified in Parliament in their Majority. Jam. 6. par. 15. cap. 207. pag. 693.

Item the Kings Castles, Palaces, Yeards, Woods, Parks, Forrests, Pastures, and in special the Lowmonds of *Falkland*, Coal-heughs, and Offices, are annexed inseparably, and excepted from the dissolution. *Ibid.* cap. 208 pag. 694. The Act is, General Dissolution of the Property. See the Act in Dissolution. And all heretable Alienations, Assedations, Rentals, Pensions, and other Dispositions, of the Kings Palaces, Castles, Parks, Meadows, Coal-heughs, and in special of the Palaces of *Halyrudhouse*, and Park thereof, *Linlithgow*, Park. and Coal thereof, *Falkland*, Coal, Park, and *Lowmonds* thereof, Castle of *Stirling* Parks & Wairds thereof, and of the Torwood, Castle of *Dumbartoun*, with the Lands, and Maines thereto adjacent, Castle of *Blackness*, and generally as in the former Act, are Declared null, from the beginning. Jam. 6. par. 15 cap. 239. page 719. But the grounds of demolished Castles, Bounds, Meadows, and Lochs belonging thereto, with the saids Coal-heughs, are again dissolved, Jam. 6. par. 16. cap. 8. page 769. See the Act in Dissolution.

Annexation of the few, and blanch dewties, of all erections to the Crown, and discharging, and annulling all pensions, or other dispositions, made since the Act of Annexation of the same, or of any Temporalities of vacand benefices, falne to the King, since the said Act, notwithstanding of whatsoever grant, or confirmation thereof in Parliament. Jam. 6. par, 14. cap. 211. Pag. 696

That all few Lands annexed to the Crown, by the Act 1587, Remain therewith, and that all few Lands whatsoever be availed and retoured, and be lyable to Taxations accordingly. *Ibid.* cap. 233. pag. 713.

All Infestments of the annexed property given by the King, or any of his Predecessors, are Declared null, except set by them being of *Perfect* age, after Dissolution made in Parliament in their Majority, with augmentation of the *Rental*, Jam. 6. par. 15. cap. 237. Pag: 718.

The *Annexed* property cannot be set, or disponed but in few-term, and all dispositions thereof, by waird, or other manner of holding, are null. except Infestments granted by the King, or his *Predecessors*, by way of excambion without diminution of the Rental, *Ibid.* cap: 238. Pag: 719.

All Alienations, Rentals, Tacks, Pensions, Discharges and other Dispositions whatsomever, of the annexed property, and specially of the Customes made before lawful dissolution, or contrary to the Conditions thereof, are null be way of action or exception. *Ibid.* cap. 240. Pag. 719. And sic-like of the Assise Herring, because they are part of the Kings Customes, and annexed property, *Ibid.* cap. 241. Pag. 720. And sic-like of the few-term dewties of the annexed Temporality, or of any part of the Patrimonie of the Crown, *Ibid.* c: 243. Pag. 720: All free Gifts, and Discharges of the Kings property, Fees, Casualities, or Priviledges, pertaining thereto, are Declared null, *Ibid.* cap, 242. Pag. 720.

The two part of the Spirituality unassumed of all Prelacies, *Sede Vacante*, Declared to appertain to the King, and that it may not be put away, by any disposition whatsoever, *Ibid.* cap. 246. pag: 721.

Ratifications in Parliament doe not derogat from the general *Laws*, about the annexed property, except the same be made expresse, dispensing with the saids Laws by advice of the three Estates speciallie therein mentioned, *Ibid.* cap: 247. Pag. 722.

Annexa-

Annexation of the Earldom, Lordship, and Lands of *Gowrie*, and *Scoone*, to the Crown, not to be Annailzied there from, without advice of Parliament, for great, and seen causes first to be advised, and considered by the Estates, but with several exceptions contained in the Act, Ja: 6: par: 16. cap: 2: pag. 760.

Act of Annexation, Ratifying all former Acts of Annexation, specially the Act, Jam: 2: par: 11: cap: 14: And annexing *de novo* all therein annexed: Attour annexing the Superioritie of all Lands, and others pertaining to any Abbacy, Priorie, or other Benefice whatsoever, erected before or after the act of annexation, 1587: with the whole Few-mails, and Rents thereof, to abide with the Crown for ever: Reserving to the Titulars of Erection who have subscribed the Surrender, the Rents of the saids Superiorities ay till they receive payment of the sum of a thousand Merks, for each hundreth Merks worth, of all other constant Rent, not being naked service of Vassals, as also their property, and proper *Land*, to be holden of His Majestie for the dewties contained in their old Infestments, before the said act of annexation, and all deeds preceeding the date, and in prejudice hereof are Declared null: And the acts, Jam. 6: par: 15: cap: 233, 234, 236, 243: (all above) are specially Ratified, rescinding all deeds in the contrary: Excepting alwayes from this Act, all Lands, Superiorities, and Others, pertaining to Archbishops, Bishops, and their Chapters, Car. 1: p. 1: c: 10: page 343:

And this Act Ratified, and the Superiority of all Lands, and others belonging to the saids Benefices, whereof the presentation belonged to his Majesty and his Predecessors, and erected as said is, of new annexed; & all Gifts and *Grants* made by his Majesty, or his Father, since the Surrender, 1627:, whereby the profits of the saids Superiorities were, or may be conferred to any, except the proper Vassals thereof, are Declared to be null, reserving the Few-dewties to the Persons having right thereto, *ut supra*; And reserving to the Earl of *Lauderdale* his infestment of the Lordship, and Regality of *Musselburgh*, and the Lords of Exchequer, and all others are discharged the passing any of the saids Rights, and Grants, hereby Declared nul, except Infestments in favours of the Lords of Erection, ay and will they be redeemed, and with the whole remanent exceptions contained in the said former Act. Declaring

nevertheless, that any who have got or shall get, new infeftments of Superiority of Kirk-lands, the same shall stand good as to such Vassals, who have given their consent to the saids Rights: Because the said consent is of the nature of a *Resignation* of property, in their favors, but prejudice to his Majesty of his Right of *Reversion*, and of the Few-dewties, and Casualities, conform to the Act, 1633: *Car:* 2: par: 1: Sess: 1: cap: 53: pag: 252: Special Ratification of that part of the Act of *Annexation* 1587, annexing the *Right* and Priviledge of Regality, belonging to any Abbacy, Priory, or other Benefice to the Crown, Declaring that the Airs of Vassals shall be entred by Breives forth of his Majestie's Chancellary, Directed to the Magistrats of the Burghs of the saids Regalities, and farther all right granted be his Majesty, his Father, or Grand-Mother of any of the saids Regalities, is Rescinded, and the right thereof is Declared to appertain to his Majesty, and his Successors, without respect to any Exception contained in the said Act of *Annexation*; Reserving alwayes to heritable Bailies, and Stewarts of the saids Regalities, the Rights granted to them by the Beneficed Persons, preceeding the Erections. And this Act extends not to any Right of Regality pertaining to Archbishops, and Bishops, nor yet to the Infeftment of the Barrony of *Broughtoun*, granted to the Earl of *Roxburgh*, in the year 1630. *Car.* 1. par. 1. cap. 13. pag. 43.

Act Ratifying former Annexations, and the decreet Reductive against the Earl of *Mortoun*, of the Earldom of *Orkney*, and Lordship of *Zetland*, and of new annexing the same to the Crown: And also excepting them from all General Acts of Dissolution, and that no right to be granted thereof hereafter, without the Advice and Decreet of Parliament upon mature deliberation, and expressing the particular causes first given thereanent. As also the Act suppresses the Office of Shirreff-ship, and Few-drie therein, and erects them in a Stewarty, not to be given heretablie to any person, without advice and Consent foresaid, without prejudice to the Bishop of *Orkney*, of his Patrimonie, and of his Majesties Vassals, in the saids Isles of their Priviledge of sending Commissioners to Parliament, *Car.* 2. par. 2. Sess. 1. cap. 13. pag. 402.

ANNUAL-RENT, *See* Usurie.

All Annual-rents of Victual, or Silver, sold in time by

gone, and redeemable, may be redeemed, by payment of the principal sum contained in the reversion and byrun Annuels thereof, at Ten *per cent*, notwithstanding o security given for greater Annuel, Ja. 6. par 12. cap. 137. page 633.

After *Denounciation* to the horn, the sums denounced for, bear Annualrent until the payment, albeit there was no paction made for annualrent, and the Act is extended to all that they stood denounced for, *quoad futura*, from the term of *Martinmas* thereafter, Ja. 6. p. 23 cap. 20. 4 August 1621. page 998.

Annual-rent reduced from *Ten* to *eight per cent*, and that none take more under the pain of usurie, but the Execution of the Act suspended for three years, after the date, in respect two of the *Ten per cent*, in that space granted to his Majesty, Car. 1 par. 1: c. 21. dated, 28. June 1633. page 62.

Annualrent Reduced to six *per cent*, and the same declared to be free of all Retention, and other publick Burdens, Car. 2. par. 1. sess. 1. c. 49. page 248. But retention granted to Debitors for one year from *Martimas* 1672 to *Martimas* 1673. of one sixth part thereof at the payment of the other five parts, Car: 2: p: 2 Sess: 3; c: 4: *in fine*, page 454. See it in Supplie.

ANNUITY of 40000. pounds Sterling to the King.

Act for raising this Annuity to his Majesty yearly during his life, extending in *Scots* money, to 480000. pounds yearly; Whereof 96000 pounds *Scots* or 8000. pounds Sterling to be raised yearly by an Excise, upon the Coal, and Salt, and forraign Commodities, specified in the Act, and the remainder being 384000. pounds Scots, or 32000. pounds Sterling, to be raised by an Excise upon the Bear and Ale, Aquavitæ, and strong Waters, Browen and sold in the Countrey, at the rate in the Act (See it in *Excise*,) For which end it is proportioned among the Shires, and Burghs. And it is ordained, that what the saids Excise in each of them shall fall short of their *quota*, be supplied by the Heretors in lieu of the Malt Browen in their own Houses, according to the rule of the Valuations as settled before August, 1660. And Commissioners are appointed for each Shire, and Burgh, with full power to Collect the said Excise, poind, and quarter therefore, and doe all things els necessary. And they are declared to be oblidged to pay in the same at four terms

in the year, beginning the first at Lambmess, 1661. And the Council is impowered to name new Commissioners, in the place of any deceasand, or disabled. *Item* the excresce of the Excise of the Inland Salt, and forraign Commodities, if any shall be, is appointed to be applyed for relieve of any Shire, or Burgh, overburdened, or disproportioned in their *quota* set down in the Act, Car. 2. par. 1. sess. 1. cap. 14. pag: 155. *anno* 1661. But the proportions here set down on Shires, and Burghs, are again Rectified, Car. 2. par. 1. sess. 3. c. 25. pag: 345: This annuity continued for five years after His Majesties decease, Car. 2 par. 3. cap. 8. pag: 540. See it in *Excise*.

ANNUITY of Teinds.

Act Ratifying the Act of the commission of Teinds the 29. of *May*, 1627. Giving to his Majesty and his Successors, an Annuity out of the Teinds, except the Teinds payed to Bishops, in the state wherein the same is presently payable, and the Teinds payed to Ministers Colledges, Hospitals, and Pious uses, that is to say, of every Teind boll of the best wheat 10. *shillings*, of the best Bear 8. *shillings*, of the best Oats, Meale, Pease, and Rye, 6. *shillings*. And where the Oats render but half Meal, 3. *shillings*: And where the Victual is worse, that the Annuity diminish proportionally, and where the Teinds Parsonage or Viccarage consists in money, that the Annuity be 6. *per cent*, with the rest of the Acts of the said Commission set down in the Act. And it is declared, that this Annuity, is not annexed to the Crown; but left to his Majestie's free dispose, Car. 1. par. 1. cap. 15. page 46.

APPAREL Ordinary.

That none wear Silk or Coastly Furring, Except Knights and Lords, of two hundred Merks yearlie, and their eldest Sons, without licence of the King, and that none other wear Broiderie, Pearle, Bullion. Ja. 1. p. 9. cap. 118. pag: 37.

Another regulation of Apparel, and that no Woman come to Kirk, or Mercat, with her face musselled under the pain of escheat of the Courchie, Jam. 2. par. 14. cap 70. pag: 79.

That none wear Silk, except Knights, Minstrelles, and Heraulds, and such as have one hundreth pounds worth of Land-rent, under the pain of escheat of the Silk,

Silk, and of Twentie pounds to the King; Jam. 3. par. 6. cap. 45. pag. 111.

Act and particular regulation about wearing Apparel, wherein Two Thousand *Merks*, and Fifty Chalder of Victual *per annum*, are *equiparat*. Jam. 6. par. 7. cap. 113. pag. 457.

Another Act regulating Apparel, wherein 80 Chalders Victual, and Sex Thousand *Merks per annum*, are made *equivalent*, Ja. 6. p. 23. cap. 25. ¶ 1. pag. 1003 *Anno* 1621. Another Act anent Apparel, Car. 2. par. 2. Sess. 3. cap. 10. pag. 464. *Anno* 1672. and Rectified, Car. 2. p. 2. Sess. 4. c. 3 pag: 520. But all thir Acts are *Innovat* by the Act of Trade, Car. 2. par. 3. cap. 12. pag. 544. See it in *Trade*.

APPAREL Solemne.

The manner of Arraiments for the Parliament, and for Fore-speakers, Ja. 2. p. 11, c. 47. pag: 69. Ratified, and that the King make the paterns, Jam. 2. par. 14. cap. 68. pag: 78.

That Magistrats of Burghs, and their Commissioners to Parliaments, weare at Parliaments, and other Solemne times, such decent Apparel as his Majesty shall prescribe, And the Parliament refers to the King, to appoint the habits of the Lords of Session, and all other Inferiour Judges, as also of all Criminal, and Ecclesiastick Judges, and of all Advocats, and others living by practise of Law, *Item* that all Ministers wear black, and all Prelates grave and decent Apparel: And farther, that what order his Majesty shall prescribe for the Apparel of Kirk-men agreeable to their state, and moyen, being sent to the Clerk Register, shall be by him insert in the Books of Parliament, to have the strength of an Act thereof, that letters may be direct thereupon, charging the Persons concerned, to provide within Fourty dayes, and weare, and use, the said Apparel, at the times, and in the manner, as his Highness shall appoynt, Jam. 6. par. 20 cap. 8. pag. 838. *Item* this power as to the apparel of Kirk-men, is declared to remain with King *Charles* the 1, and his Successors, Car. 1. par. 1. cap. 3. *in fine*, pag. 23. See it in *King*.

ARBITER and OVERS-MAN.

The way of appoynting an Overs-man for Submissions then depending, and that thereafter all arbiters be chosen of an odd, and not of an even number, other

wayes the Submiſſion to be voyd, Jam. 1. par. 6. cap. 87. pag. 25.

ARCHER.

That all men buſk themſelves to be Archers, fra they be Twelf years of age, and that in ilk ten pounds Land, there be Bow-marks, Jam. 1. par. 1. cap. 18. pag. 5.

ARMIE, See Hoſt.

ARMOUR, or Harneſs.

That all Marchants bring home Harneſs. and Armour. Jam. 1. par. 3. cap. 47. pag. 12. ſee *Weapon-ſhawings*.

That ilk man of 20 pounds Rents, or 100 pounds of eſtate be horſed, and haill Harneſſed, and other ſimplar, as in the Act, Jam. 1. par. 9. cap. 120. pag. 37. And that Zeamen be graithed, for wear as the Act, Ibid. cap. 121. pag. 38. And that the Barron, and in his default the Sheriff ſee his men ſo boden, under the paines ſet down in the Act, Ibid. cap. 122. pag. 38: and Ja. 3. par. 6. cap. 44. pag. 110.

That ilk Burgeſs of Fiftie pounds be armed as a Gentleman, and the meaner as in the Act. under the pains therein ſet down, Jam. 1. par. 9. cap. 123. pag. 38: And how men ſhould be harneſſed, Jam. 2 par. 13 cap. 56. pag. 72. Ja. 3, p. 11. cap. 80. ¶ 2. pag. 124. and Ja. 5. p. 6. cap. 87. and 88. pag. 239.

ARRESTMENT, and breacking, and louſing thereof.

Probation of all Arreſtments made by Crowners, and Serjands, To be by witneſs, Jam. 3. p. 7. c. 52. pag. 113.

That the Lords proceed ſummarlie in Actions for breach of Arreſtments, to put them to a poynt, without Intermiſſion: And the breakers to be puniſhed by eſcheat of moveables, and their Perſons to be in the Kings will, and that their eſcheat be burdened with the Payment of the arreſters Debt, his expenſes highly taxed, and with the ſum to be modified by the Lords of Seſſion for his damage, in the firſt place. Jam. 6. p. 7. cap. 118. pag. 464.

That all Bils for louſing of Arreſtments, paſt by the Lords of Seſſion, be paſt upon caution, to be found in their Books: And that the Clerk receive the ſaid Caution, before he give out the Bill; and all louſing of Arreſtments otherwayes made, to be null, Ja. 6. p. 22. c. 17. pag. 917.

All

All sums of money addebted be bonds; or other Personal obligements whereupon no Infestment hath followed, are declared arrestable, and that without changing the nature of the sums, as to the Air or any pretending right to them as heretable, and also but prejudice to Creditors to compriſſe, rather then Arreſt, if they ſo chooſe, Car. 2. P. 1. Seſſ. 1. cap. 51. Pag. 250.

For what Debts Burgeſſes of Burghs Royal may arreſt ſtrangers, Car. 2. P. 2. *Seſſ.* 3. cap 8. *Pag.* 462. where Magiſtrats of *Burghs* of Regality are prohibit to arreſt any for Debt, but allenarlie their own Burgeſſes. See the Act in *Burghs.*

ARTICLES, See Parliament.

The ARTICLES of Perth Aſſembly.

Theſe Five Articles concluded in that Aſſembly, Ratified. 1. That the Sacrament of the Lords Supper be celebrat by the People on their knees. 2. That it be privatlie Adminiſtrat to Perſons on death bed, Three or Four being preſent to Communicat with them, and a place convenient, and all things neceſſary decentlie provided. 3. That Baptiſme when great need ſhall compel, be adminiſtrat in privat houſes, and declaration made thereof the next Lords day in the Congregation. 4. That Miniſters Catechize all young Children of eight years of age, and that the Biſhops in their viſitations, cauſe preſent them to them and bleſs them with prayers. And 5, That the dayes of our Lords Birth, Paſſion, Reſurrection, and Aſcenſion, and and ſending down of the *Holy* Ghoſt, be obſerved by the *Miniſters*, in Cõmemoration of theſe in eſteemable Benefites. Which Articles are ordained to be obeyed as Laws, and all Laws, and Cuſtoms, in the contrary, reſcinded, Jam. 6. P. 23. cap. 1. pag. 934.

ASSASINATION.

That not only all Aſſaſines, but all who ſhall aſſert, that it is lawful to kill any man upon difference in opinion, or becauſe they have been imployed in the ſervice of the King, or of the Church as now eſtabliſhed, ſhall incurre the pain of Treaſon, Car. 2. P. 3. C. 15. Pag. 551.

ASSEMBLY, See Synod National.

The

The General Assembly of the Kirk held at *Glasgow*, in the year 1638, Declared unlawful, and seditious, and all its Deeds, and Acts, with all Ratifications thereof, made voyd from the begining, and in all time coming, Car. 2. P. 1. Sess. 2. c. 2, *circa medium*, Pag. 290 The Act is for preservation of his Majestie's Person, Authority and Government.

ASSISOURS, ASSISE, or INQUEST

That no Officiar of any Country, nor Indyter of any man, be on his Assise, under the pain of ten pounds to the King, Ja. 1, P. 3. cap. 50. Pag. 13.

Assisours should swear, that they neither have taken nor shall take meede, or budd of any party, and if any be given or hecht, or any prayer made to them before the giving out of their verdict, they shall reveal the same in plain Court, Jam. 1. P. 13. cap. 138. Pag 44.

If any man be greived by the partial malice, or Ignorance of an Assise or Inquest of Heretages, not being an Assise of a Breive Pleedable, the Assise may be Summond before the King, and Council: And if the falshood or ignorance be proven, that the verdict be reduced, and the Assisers Punished after the Law in the first Book of the Majesty, *Contra temere Jurantes super Assisam.* But if the Complainer be in the wrong, that he pay Ten pounds to the King, and to the Party his expences, Jam. 3. P. 6. cap. 47. Pag. 111: See *Error.*

Assisours in Criminal causes acquiting the Persons shawn before them wiltully, against nottour or manifest knowledge, may be called by King, and Council, and inquired if they all agreed, or not, and the Persons confessing, or excusing, are convict by a great Assise of Twenty five noble Persons cognoscing on the former evident, and ordained to be Punished after the Law of the Majesty, for their *Juramentum temerarium*, but the deliverance of the forelaid Assise, to stand *quoad* the Party, Jam. 3: P. 8. cap. 63. Pag. 117.

That in the Breive of Inquest, Persons present, may be compelled, without Summonds, to pass upon the Inquest, Jam. 4. P. 6. cap. 94. *circa medium.* Pag 190.

That Assisers may verifie, and Prove by themselves, Insinuat by the Act, Ja. 6. P. 6. cap. 79. Pag. 426.

That in Justice Airs, and particular Dyets, the haill Assisers be called, and the absent Amerciat, to move them

them to better obedience, Ja. 6. p. 11. c. 77. *pag.* 571. The Act is, The King may pursue all *crimes* without the Party. And that the extract of the Act of the un-lawed be delivered to the Treasurer, within Six dayes, that the unlawes may be charged for, and taken up without Composition Jam 6. par. 12. cap. 128 *pag.* 624. See the Pains of Assisers absent, in *Paines*. That the Accusation, Reasoning, Writs, and Witnesses, and Other Probation, and Instruction, whatsoever, be Alledged, Reasoned, and Deduced to the Assise, in presence of the Party accused. In face of Judgement, and no otherwise, Jam. 6: p. 11. cap. 91 *pag.* 578.

Any Assiser having a doubt should propon the same openly in presence of the Parties, in face of Judgement, and after the Assisers have chosen their Chancellour, they should be inclosed in a house by themselves, and none sufferred to be with them, or repair to them, in any wayes, neither Clerk, nor Others, under any pretence, or for any occasion whatsoever, and that the house be keep fast, and they not suffered to come out for any cause, nor to continue the giving of their Sentence to an other time, but that they be inclosed untill they be fully agreed, and return their answer, and if the Accuser, Informer, or any Person pretend to inform, speak, or repair to the Assise, after their removing, and inclosing, or transgress any point of this Act, the Party accused shall be pronounced Clean, and this shall be a sufficient warrand to the Assisours to doe the same. Ibid. Cap. 92. *pag.* 579.

That the Clerk, nor no other Person be present with the Assise, after they are Inclosed, *Item* that the Chancellor of the Assise mark every Assisers vote, Condemning or assoilzing, on the same Paper, with the verdict, and to be closed and sealed by the Chancellour, and some of the Assisers, and not to be opened, but by order of the Judges, Car. 2. p. 2. Sess. 3. c. 16. §. 8. & 9. *pag.* 493. Concerning the Justice Court.

ASSURANCE.

That the King's Peace be Assurance to all men, So that no man need have Assurance of another, Jam. 2. p. 6. cap. 13. *pag.* 55. The Act is, The Proclamation of general Peace, *&c.*

That none take, or sit under the Assurance of Theives, or pay them black-maill, under the pain of death, and Escheat, Ja. 6. p. 1. c. 21. *in medio pag.* 372. See it in Theift.

BAILS.

B

BAILS.

The manner of takning by *Bails*, to give notice of *Invasions* from *England*, Jam. 2. par. 12 cap. 48. pag. 70.

BAILLIES, See Judges, and Sheriffs.

BANKRUPTS, See Fraudful Alienations.

Act impowering the Lords of *Session* upon a process at the instance of any Creditor having a real Right, to value such Estates as belong to notorious Bankrupts. and whereof the Creditors are in Possession, and to appoynt Commissioners to sell the same, at the said rate, or more, and that the sale be made by a Roup, upon the Intimations set down in the Act, and being reported to the Lords, and Registrat, that it be als valide, as if made by all Persons having interest; and that the price be distribut be the saids Commissioners among the Creditors conform to their several Rights, and Diligence, Car. 2. p. 3, cap. 17. *pag.* 554.

BANDS, See Leagues.

There is mention, made in several Acts of Parliament, *James* Sixt, of a general Band, it seemes it hath been a Band for keeping the Peace, and it is Statut, that the pains thereof be devided betwixt the King, and the Party, Jam. 6. par. 15. cap. 274. *pag.* 741.

BANDS PRIVAT.

That all Bands for sums of money bearing Annual-rent, made since the 16 of November 1641, be understood to be moveable, unless they bear an express obligment to *Infeft*, or be conceived in favours of Airs, and Assignes, (secluding Executors) In which cases, they are Declared heretable, Declaring nevertheless, that the saids Bands bearing Annual-rent shall remain in the same Condition *quoad Fiscum & jus Mariti & Relictæ*, as they

they were before the year 1641. Car. 2: par. 1. sess. 1. cap. 32. page 191.

BANQUETING.

Act limiting the number of Dishes for every mans table, *viz.* for the Earl, or Bishop, Eight: The Lord, Abbot, or Dean, Six, The Barron, Four: A Burgess, or Other Substantious Man, Three: And one Kind of meat in every Dish, under the pain of 100. pounds, 100. Merks, 40. pounds, and 20. merks, *respective*. Excepting from this Act, Marriages, as also Banquets, to be made to Strangers by Bishops, Lords, Barrons, Provosts and Baillies of Burghs. and none els, Q. *M.* p. 5. cap. 25. pag: 284.

That no Persons under the degree of Barrons, and Landed men worth Fiftie Chalder of Victual, or Two thousand Merks *per annum* have at their Table forraign Drugs, or Confections, and that there be no Banquets at upsitings, after Baptisms, under the pain of 20 pounds, to be payed by the Master, and all the Partakers, and escheat of the Drugs, and that open doors be made to all Judges ordinarie, for discovery of the Offenders, Ja. 6. par. 7. cap. 114. page 460.

Another Act anent Banqueting, and discharging Confections, under the pain of 1000. Merks. Jam. 6. p. 23. cap. 25. page 1005. ¶. 17.

Act restraining the exorbitant expences of Baptisms, Marriages, and Burials, Car. 2. p. 3: 6. 14. pag: 549.

BAPTISME.

That none Baptise their Children, but by the Minister of their own Parish, or by a licensed Minister, upon a Certificat from him, or in his absence, from a nighbour Minister, under the pains, every Heretor, Liferenter, or Wodsetter, of a fourth part of his Valued rent, every Person above the degree of a Tennent, and every considerable Merchant, 100. pounds, every Inferiour Merchant, or considerable Tradsman, and eve-Tennent, 50. pounds, every meaner Burgess, or Cottar, 20. pounds, and every Servant, of half a years fee. And the Execution is committed to Sheriffs, Stewarts, Lords of Regality, and Magistrats of Burghs, who are allowed all the fines, except these of Heretors, for which they are made comptable to the Thesaurer. Car. 2. p. 2. sess. 2. c. 6. pag. 433. And this Act, and the pains there-

of

of extended, to such as keep their Children un-baptised for the space of Thirty dayes together, or produce not a Testificat under the *Minister* of the parish his hand, or if the Kirk be vacant, under a Nighbouring Ministers hand, that the Children were *Baptized* within the said space, *Ibid*, Sess. 3. cap. 11. pag. 467,

The exorbitant expences of Baptismes restrained, Car. 2. p. 3. cap, 14, pag. 549.

BARRATRIE

That no *Clerk*, *Religious*, or *Secular*, pass out of the Realm, except he make faith that he shall doe no Barratrie, and have licence of the Lord Chancellour, or his Ordinarie, and he that does in the Contrary, or makes Barratrie, that he be lyable to the Statut against havers of money out of the Realm, Jam. 1. p. 7. cap: 106. pag. 33. See Benefice.

That none Sute, or desire Title, or Right of the *Pope*, or his Sect, to any thing in the *Realm*, under the pain of Barratie, that is Banishment, and Infamie, and that no Bishop, or Prelate, use any Jurisdiction by the *Popes* authority, under the said pain, and Barratrie may be tryed before the Justices or Lords of the Session, Jam. 6. P. 1. cap, 2. Pag. 336.

To Trafficque abroad against the true Religion, Incurres the pains of Barratrie. See *James* 6. P. 6. cap. 71: Pag. 411. in Religion.

BARRONS.

Ratification of all Priviledges granted to Noblemen, and Barrones, Jam. 6. Par. 1. cap. 25. Pag. 373.

BARRONIE

Annexation of Lands to *Barronies*, exempts them not from the Sherriff Courts, and Justice Airs, where they lye, but only obliges them to presence, and service, in the place whereunto they are annexed, Jam. 4. P. 6. cap. 93. Pag. 189.

Magistrats of Burghs of Barronie may arrest none for debt, but their own Burgesses, Car. 2. p. 2. Sess. 3. cap. 8. pag. 462,

The *Liberty*, and priviledges of *Burghs* Royall, as to Trade. See in *Burghs*, and Car. 2, p. 2. Sess. 3. cap. 8. pag. 462.

BEES *See* Hyves.

BEGGERS.

That no *Begger* betwixt Fourteen, and Seventy years be thoiled to beg, unless they have a token that they cannot win their own living, in Landward, of the Sherriff, and in Burghs, of the Bailzies, otherwayes to be burnt in the cheek, and banished, Jam. 1: par: 1: c: 253 pag: 6. Ratified, Jam: 4: p: 6: c: 70: pag: 182: *Item*, that the Magistrats, and Sheriffs negligent, pay fiftie shillings to the King, Jam: 1: p: 2: c: 42: *in fine*, pag: 10:

That no Begger born in one parish be thoiled to beg in another, and that tokens be made be the Heads-men of ilk Parish for that effect, Jam, 5: par; 4: cap: 22: pag: 208:

That in *Burrows* the Chamberlane in his Air, shall ilk year inquire, if the Alder-men, and Baillies have keept the statutes of Beggars, and the breakers to be punished in 40: shillings to the King, Jam: 1: par: 7: cap: 203: pag, 32.

Ratification of the Acts anent *Beggers*, containing particular orders for repressing idle Vagabounds, and releiving such as are truly unable, and Poor, Ja. 6: p: 6: c: 74: page 413: See poor.

And this again Ratified, with a Commission to Justices in that part, for Execution of it, in case the Judges ordinary be remiss, or negligent, Jam: 6: par: 11: cap: 149: page: 639:

The Act against strange Beggers, Vagabounds, and Egyptians, again Ratified, and they and their bairns, be imployed in Common-works, and their service mentioned in the Act, Jam, 6: par: 6. cap: 76, page 413: It is prorogat during life, and the power of Executing the said Act, granted to Kirk Sessions, Jam: 6: par: 15: c: 272, page 741.

Item, All these Acts Ratified, and that the Kirk Session be assisted by one, or two, of the Presbytrie, and that both they, and the Sessions, put the saids Acts in Execution, under the pain of Twenty pounds, Jam: 6: par: 16; c. 19. *circa medium*, page 776. The Acts, Ja. 6: p: 6: c: 74: and p. 15: c: 268. Specially Ratified, Car: 2. p: 1: Sess: 3: cap: 16: page 334:

Act establishing correction-houses in the Burghs therein named, for idle Beggers, and Vagabounds, Car: 2: par: 2: Sess: 3: c: 18: page 496: See poor:

DRINK-

DRINKING BEIR.

Twenty shillings of Custom imposed on every Tun of of Drinking Beir brought in to the Realm, Jam: 6: par: 13: c: 183: page 668:

BENEFICE and BENEFICED PERSONS, See Dilapidation.

That Benefices purchased at *Rome*, by such that were never thereat before, be of none avail: and that no Benefices be unite to Bishopricks, Abbacies, or Priories, and that such unions be null, and the purchassers punished as Traitors. Except that Lords and Barrons may purchase the annexation of any Benefice, to Secular Colledges: *Item*, That there be no higher Taxation of Benefices, but as the old use and Custome was, and as is contained in the old Taxation of *Bagimont*, Jam: 3: p: 6: c: 43: page 109: And this last part anent the Taxation of Benefices ratified. And that the attempter in the contrary, of a Spiritual Person be unable to bruik Benefice, and if Temporal, tine life and goods, Ja. 4: p: 4: c: 39: page 165: *Item*, That none support, or supply with money the saids unlawful purchassers of Benefices, Ja: 3: p: 11: c: 85: pag: 125. The Act is, Contrary the Purchassers of Benefices, against the Kings priviledge. That no Clerk purchase Benefice belonging to the Kings presentation, the Seige vaiking, at *Rome*, under the pain of proscription, and treason; Jam: 4: par: 1: cap: 4: page 147:

That Prelacies, Abbacies, and other Benefices, remain and be disponed within the Realm, as in King *James* the first's time, under the pain of proscription against such as do in the contrary, Ja: 4: p: 4: c: 38: *pag.* 164: *Item*, That dittay be taken on the breakers of the saids Acts, Ja: 5: p: 7: c: 119: *pag*: 255: See the Acts against Cletks, or Spiritual men their passing forth of the Realm, in *Passing forth of the Realm.*

That all gifts of Benefices elective, or pensions disponed by the Queen, since the Parliament 1560, To the Kings Coronation, be as valide, as if granted by the Popes Bulls, but prejudice of the Act of Council, anent the leaving to Ministers, all Benefices within three hundreth Merks yearly, and of Laick Patronages Ja: 6: p: 1: c: 26: *pag*: 369: And the Commissars are ordained, to Minister Justice on the saids gifts; and siclike on gifts to be

be granted by His Majesty in time coming. *Ibid.* cap. 28. Pag. 374.

That all Prelates, and Possessores of Benefices, at his Highnes's gift, give up just Inventarie of the two part thereof, conform to the first assumption of thirds, otherwayes their Benefices to vaik. Ja. 6. p. 15. c. 248. pag. 722. See *Thirds of Benefices.*

No Beneficed Person under a Prelate, may set longer Tacks of Teinds, or others, belonging to his Benefice, then for three years, without the consent of the Patron, Ja. 6. p. 14: cap. 203. pag. 692. See *Patron.*

That no Prelate set in Tack, any part of their Patrimony, for longer space then nineteen years, and no inferiour Beneficed Person, for longer then their own lifetime, and five years thereafter, under the pain of deposition. And that all Tacks otherwayes set, for discovery thereof, be registrat within 40. dayes, else are null; Excepting from this Act, all Tacks be vertue of the Commission for plantation of Kirks, granted in this Parliament, Ja. 6. Par. 22 cap. 4. Pag. 886. As also it is declared, That the inferiour Beneficed Persons must have the consent of the Patron to his Tacks, conform to the said Act. Ja, 6. P. 14. cap. 203. Ja. 6. P, 23. c. 15. Pag. 975.

BESTIAL, or CATTEL.

That no Cattel be sold out of the Realm: Ja: 3 P: 4: cap: 24: Pag: 99 See *England:*

That slayers or hochers of Oxen, or other Cattle, be punished as Thieves: Ja, 6; P: 7: cap: 110: Pag: 453:

See the Act in *Horse*, and how it is limited, and extended: Jam: 6: Par: 11: cap: 83: Pag: 576:

Act Ratifiying all Acts made against the transporting of Sheep, Nolt, or other Cattel, young, or old, forth of the Realm, impowering any that finds them driving, to stay them, and keep the Drivers to thole an Assise before the Justice or Shireff of the bounds where they shall be apprehended, whom His Majesty makes Justices in that part, for trying and hanging of the offenders, and escheating their moveables, half to the King, and the other half betwixt the Judge and the apprehender; Ja: 6. p: 7: cap: 124: pag; 471:

Item. Sheep and Nolt forbidden to be transported to *England*, or sold to *English* men who transport the same, under the pain of escheat thereof, and of the whole

other

other moveables of the actual transporters: And also of the causers and sellers thereof to be transported, half to the King, and half to the apprehender, and warding for six moneths, and otherwise at the Kings will, annulling all licences granted, or to be granted in the contrare. Ja: 6: p: 12: cap: 151: pag: 642:

Bestial, That is, Nolt, Sheep, or Swine, may be exported by Sea, free of Custome or Bullion for 19 years: Car: 2: p: 1: Sess: 3: c: 12: *in fine*, pag: 327: *Anno* 1663, The Act is, for encouragment of Tillage and Pasturage.

BIBLE.

That all Housholders have Bibles and Psalm Books. Ja: 6. p: 6, c: 72: page: 412: See it in Housholders:

BIRN, See SKIN and BIRN.

BISHOPS, See Benefice and Dilapidation.

Bishops, Abbots and Priors set down in order before Earls, Barons, in the Latine Titles of the sixth, seventh, & eight Parliaments, Ja: 1: pag: 23: 30. & 34: And before Dukes & Earles, Ja: 1: p: 7: cap: 101: *in fine* pag: 31 And *Prelati* before *Barones*, *Proceres*, Ja: 5: p: 1: In the Latine Title, pag: 197: That Bishops inquire of Heresie Ja: 1: p: 2: cap, 28 pag: 7: That no *Bishop*, nor Prelate, use any Jurisdiction by the Popes authority, under the pain of banishment and infamy, Ja: 6: p: 1: cap: 2: pag: 336:

That all *Bishopricks* be disponed by His Majesty to actual Preachers and Ministers in the Kirk, Ja. 6, p, 15: cap: 235: *in medio*, pag: 717: The Act is, All Ministers provided to Prelacies, should have vote in Parliament:

The Estate of *Bishops* restored to their honours, priviledges, livings, and rents, as the samin was in the reformed Kirk, most amply before the Act of Annexation, 1587: And this Act of Annexation, and all other Acts prejudicial to the said Estate rescinded. Providing nevertheless that the *Bishops* entertain their *Ministers* upon the thirds: And but prejudice to their Fewers and Tacks-men, they entering by the Bishops, and paying the composition appointed in the Act: As also, excepting Fewes lawfully set and confirmed before the said Act of Annexation: And all Dispositions of Patronages disponed by the Tirulars, and His *Majesty*, providing they be ratified in *Parliament*: And all common Kirks perraining of old to Bishops and their Chapters in common, disponed by His Majesty before the date hereof

thereof. As also, excepting the Castle of St: *Andrews*, and Yeard thereof, to the Earl of *Dumbar*, and the Lands of *Monnimaill* and *Letham*, with the Mannor Place and Patronage of the Kirk of *Monnimaill*, to Sir *Robert Melvill*: There is also an exception from the foresaid Composition, appointed to be payed by Fewers in favors of the Fewers of the Archbishoprick of *Glasgow*, Ja: 6: p: 18: c: 2: *in fine*, *pag*: 799: Act giving liberty to the Bishops to set Tacks, long, or short, as they please, without restraint: only it is recommended, that the duty be competent; and the duty of the said Tack is ordained to be the Rentall not to be diminished: And the Bishops are ordained to give in sufficient Rentals of their Benefices within a year after the date of the Act, to the Clerk Register, under the pain of a thousand merks: Which Rentals are to remain in their integrity in all time coming; that the Ministers may be the more assured of their Stipends to be appointed forth thereof: And the Act annulls all Acts and Laws made or to be made, whereby any Reneficed Person is, or may be prohibit to set Tacks of Teinds, that may subsist in Law, *ibid. eap*: 3: ¶ 3. *pag*: 802: But Bishops and all other Beneficed Persons are again limited in their Tacks to a certain number of years, Ja: 6: p: 23: c: 15: *pag*: 975: See the Act in Benefice:

A Bishop refusing a Testimonial to a Pedagogue, in the case in the Act, may be called before the Council; and if he satisfie not the Council, they may give one Ja: 6: p: 20 c: 1: *in fine*, *pag*: 829:

The Commissariots restored to Bishops, with power to them to appoint Commissaries, and creat Clerks, and all other Members of Court: and the Quotes of Testaments are ordered to be payed to the Bishops, and Letters to be direct on their Commissaries sentences: As also, to charge Persons to confirm Testaments, as formerly: And all former Commissaries are discharged without prejudice to the Earl of *Argyle* of his heretable right of Commissariot within *Argyle*, Ja: 6. p: 20: c: 6: *pag*: 832:

The Bishops have right to moderat in their Dioecsian Synods, either by themselves, or by a Minister of the bounds appointed by them. That no sentence of Excommunication or absolution be pronounced, but by their direction to the Minister of the Paroch where the offender dwells, That all Presentations be directed to the Bishop of the Dioceis, to whom also the *jus devolutum*, in case of the Patrons neglect, is declared to

be-

belong: And in case the Bishop refuse to admit the Minister presented, the Patron retains the fruit of the Benefice, and either he or the Paroch may complain to the Archbishop, and if he also refuse, the complaint lyes to the Council; who finding the Bishops reasons insufficient, may direct Letters of Horning, charging him to do his duty: *Item*, If the Bishop, by oath of party, or otherwayes, find that the Minister hath made a Simoniacal paction with the Patron, to the hurt of the Benefice, he may refuse him: (See *Simony*) The Bishop associating to himself the Ministery of the bounds, hath power upon triall, to depose or suspend Ministers. That the Bishop by himself, or a worthy Minister of his Diocess, make his visitations. And lastly, That the meetings of the Ministers for exercise be moderate by the Bishops, or such as they appoint: Which Articles being concluded upon at the assembly at *Glasgow*, *Anno* 1610. are all ratified, and ordained to be observed as inviolable Laws. And the Act Ia. 6. p. 12. cap. 114. (See it in *Kirk*) and all other Laws and customs, in so far as they are contrary to the premisses, are rescinded, Ia. 6. p. 21. cap. 1. *pag.* 855.

That Bishops be elected in this order, upon the vacancy, His Majesties licence is to be expede, and then an Edict to be affixed on the most patent door of the Cathedral, charging the Dean and Chapter to conveen for electing, who, so many as shall be conveened, shall chuse the person named by the King (he being an actual Minister, and no otherwayes. And this being testified under their Seals, His Majesties assent under the great Seal shall be sufficient tittle to the Spirituality during the Elected his life: And thereupon, and on His Hienes's *Mandat* direct to a competent number of Bishops within the Province. The Person elected shall be consecrate, and then he shall have His Majesties grant of the Temporality under the Great Seal; for which he shall first do homage, and swear the Oath of Allegiance and fidelity, before he intromet. And the Lords of the Session are not to authorize any Bishops provision, unless he be thus entered, Ia. 6. p. 22. cap. 1. pag. 875. Act allowing Bishops and members of Chapters to set Lands holden of them by service of waird and relief, in few-ferm, for a competent duty answerable to the retoured duty of the Lands, if retoured, or if not, of Lands of the like valee in the Countrey, and doubling the same at the entry of the Aire: And this Act ordained to be in force for three years, Ia. 6. p. 23. cap. 9. *An*: 1621. *pag.* 971. His

His Majesty and the Estates of Parliament finding Episcopal Government to be most agreeable to the Word of GOD, effectual for preserving of truth and unity, and suitable to Monarchy and the publick peace, Redintegrat the state of Bishops to their ancient rights and places, and restore them to the exercise of their function in the Church, power of Ordination, Censures, and Discipline, to be performed by them, with advice of such of the Clergy as they shall think fit: Ratifying all Acts formerly made in their favours, and all Acts in the Contrary, and for Presbyterian Government, specially the Act, Jam: 6. par, 12: cap 113. are rescinded. *Item*, They are restored to their Commissariots and Quots, according to the Act Ja.6.p.20. c.6.pag:832: But prejudice to the present Commissars, their Clerks, and Fiscals, of their places. *Item*, all gifts and deeds past by whatsoever authority to their prejudice, since the year 1637, are made void, and they are re-possessed for the year 1661, as they possess'd in the year 1637. But all entries of Vassals, Retours, Signators, Intetments granted by the King, or any having right from him, or the authority for the time, of Lands and others holden of the Bishops, in the time of their interruption, are declared not to be prejudged, providing this be not extended to any new gift, or original right, otherwayes granted then preceeding the year 1638. It being His Majesties intention, that the Bishops should be in the same case and condition as in the year, 1637. But the Bishops, or their Airs or Executors, are declared to have no right to the Rents betwixt the year 1638. and 1661. In prejudice of such who had right for the time: And also those that have made payment of by-gone Rents of the saids Bishopricks, are secured thereanent, Car. 2. par. 1 Sess. 2, cap. 1. pag. 283. Ratified, *ibid* Sess. 3. c. 2: *circa medium*, pag. 313. The Act is, against Separation, and disobedience to Ecclesiasticall Authority.

Act anent Suspensions of Bishops Rents. See in Suspeasions,

BLACK MAILL.

That none take or sit under the assurance of Theives, or pay them Black-Maill under the pain of death, and escheat of their moveables, Ja.6.p. 1 c.21. pag: 170:¶: 1.

That dittay be taken up of both takers and payers of Black-Maill, and justice done on them according to Law, and soverty taken of them to abstain in time

coming: Jam: 6: p: 11: cap: 103: pag: 587.

BLANCH HOLDING.

That the Kings Vaſſalls holding blanch, be only lyable in their Blanch Duties, if the ſamin be required allennerly, and no wayes be chargedwith ſums of money as the prices thereof, Ja. 6. p. 18. cap. 14. *pag.* 812.

BLASPHEMIE.

That whatſoever not being diſtracted in his wits, ſhall rail upon, or curſe God, or any of the Perſons of the bleſſed Trinity, and obſtinatly continue therein, be Proceſſed before the chief Juſtice, and being found guilty, puniſhed with death: And this Act is drawn back to the 17. of *Feb.* 1649. Car. 2. par. 1. c. 21. *pag.* 183

BOLL. See METTS and MEASURES.

BOOKS.

Act diſcharging the Cuſtome of Books, marked amongſt the unprinted Acts, Car. 2. p. 2. Seſſ. 1. pag. 424. *in fine,* Books erroneous forbidden. See Religion.

BORDERS, See ENGLAND and HIGH--LANDS.

Act anent the Border Rivers of *Annand* and *Tweed* See in Salmond.

Act diſcharging all Decreets of ejection and removing obtained in the borders twenty years before King *James* his ſucceeding to the Crown of *England*, Except allennerly as to the obtaining of poſſeſſion, and the ordinary profites ſince the Kings going to *England*. And it is provided, that upon charges given after the date of this Act, the ſamin be obeyed, otherwayes the perſon denounced for diſobedience, to amit the benefite thereof, Ja. 6. p. 18. c. 9 *pag.* 808.

Act againſt reſet of Fugitives from the Borders to the in-Countries, and that none born or long habituat in the Borders be reſet in the in-Countrey, without a Teſtimonial of the great Commiſſioner of the Borders and that none forge or uſe a falſe Teſtimonial, under the pain of death, Ja. 6. p. 20. c. 10. *pag.* 842.

The Borderers, eſpecially within *Berwick*, *Roxburgh*, and

and *Drumfries* Shires, and Stewarty of *Annandaill*, are discharged of all actions(Decreets already obtained being still excepted) of spuilzie, or wrongous intromission, for any thing done before King *James* his succeeding to the Crown of *England*, and also of all Criminal pursuits intended, and to be intended, for whatsoever crime, importing life, committed before the said time, without prejudice nevertheless to the Kings Advocat, Justice, and Commissioners, to pursue the same as accords, Ja. 6. p. 21. c. 6 *pag.* 862.

BORGH.

The form of finding a Borgh in Court, Ja. 1. p. 9. c. 115. *pag.* 36. And he who recounters a Borgh, and absents thereafter, tines the actions, *Ibid.* c. 117. *pag.* 37.

BORROWS. See LAW-BORROWS BOUNDS and MARCHES; See INFEFTMENT.

BRANDY.

Act allowing *Brandie* to be imported, and that it be lyable to 80. pounds *per* Tun of Custome, and sex pence *per* pynt of Excise, to be payed by the Retailer; and this Excise to be applied for the relief of the Annuity of Excise, in Shires or Burghs where Brandy is retailed, Car: 2: p: 2: Sess: 4: c: 2: *page* 519.

BREAD.

The Privy Council should set down the price of Bread, according as the Wheat rules, Car. 2. p. 2. Sess. 1. c. 15. *in medio pag.* 408. The Act is, *for regulating the prices of Ale*, &c. Act ordaining Bread and Butcherflesh to be sold by weight Car. 2. par. 3. c. 24. *pag.* 562.

BREADTH.

Of what breadth Droggats, Linnen, and Stuffs should be, Car: 2: p: 3: cap: 12: *in fine pagina*, 547. The Act is for encouraging Trade and Manufacturies.

BRIEVE.

That no exception avail against the King Brieves,

ing the old form, and unraſed or blobed; in the name and ſurname of the Follower and Defender. The name of the Land, Cauſe, and Date. Ja. 1. par. 9. cap. 113. pag 36.

The old form of ſerving the Brieve of Seaſing, and of breaking of Seaſing, *ibid.* cap. 127 pag 39.

Order anent Brieves pleadable, according to the old form of Proceſs. Ja. 3. p. 6. c. 41 pag. 108.

That Exceptions be not proponed againſt the Brieve of Inqueſt, as againſt a Brieve of Fley, but only Exceptions againſt the Judge, the Inqueſt, and that of Baſtardry. *Item*, Perſons preſent, may be compelled without Summonds, to paſs upon the Inqueſt. *Item*, The Brieves ſhould be cried openly in plain Mercat, or on an ouk day, ſwa that the Officiars of the Town, and ſix more be preſent, Ja. 4. p. 6. c. 94. p. 189.

That Brieves for ſerving to Lands within the Stewartries of *Stratherne* and *Menteith* be proclaimed at *Perth*. For Lands within the Stewartry of *Fife*, at *Cowper*, within the Bailliaries of *Kyle*, *Carrick*, and *Cunninghame*, at *Ayr*, Within the Stewartries of *Kirkcudbright* and *Annandale*, at *Drumfries*. But that they be alwayes ſerved within the Tolbuith of the head Burgh of the Shire, Stewartry, or Bailliary, as of before, J. 6. p. 11. c. 60. p. 564.

BREWERS See MALT-MEN. BRIDGES.

The Council may lay on moderat Cuſtoms at Bridges, for the upholding thereof, Car. 2. p. 2. Seſſ. 1. c. 16. pag. 405. See the Act in *Ways*.

BROOM. See PLANTING. BUCHANAN.

That *Buchanans* Chronicles, and *de Jure Regni apud Scotos*, be brought in by the havers, to the Secretary within 20, dayes after the publication of this Act under the pain of 200. pounds, to the effect they may be purged of certain offenſive and extraordinary matters therein contained, Ja 6. p. 8. c. 134. pag. 480. The Act is Anent Slanderers of the King, his Progenitors, *&c.*

BURDING

That

That every Prelat, Lord, and Landed Gentleman, make his ordinary dwelling at his own House, with his Family; and that they forbear to buird themselves in Burrows, Ale-houses, or their own Houses, under the pain of 500. merks The Lord or Prelat: 300 merks the great Barron: And 200. merks ilk other Landed Gentleman, for the Kings use, Ja. 6. p. 7. c. 116. pag. 462.

BULLION.

That soverty be found to the Customers of the Ports for Goods exported, to bring home the quanties of Bullion mentioned in the Act, J. 1. p. 13. c. 143. p. 44.

The quantities of Bullion again appointed, and that the Customers make compt thereof yearly in Exchequer I. 3. p. 7. cap. 50. p. 113: And thir Acts ratified: And that the Merchand have twelve shillings for ilk ounce of burnt Bullion from the Cunzier, and that of ilk ounce be made twelve groats, l. 3. p. 8. c. 6. pag. 117. And I. 6. p. 7: c: 107: pag: 451: That there be brought home for Bullion four ounces of burnt silver of ilk Serplaith, or eighty stone of Wool: or Last of Salmond; And that the Merchant have ten of the fourteen penny groats for ilk ounce 13: p: 13: c: 93: *in fine* pag: 128: The same Ratified, and that compt be made of the Bullion yearly in Exchequer, Ia: 4: p. 1: c: 2: pag: 145: & par: 2: c: 14: pag: 153: And that the Cuinzier give for the ounce of burnt silver eleven shillings six pennies, *ibid* c: 17: pag: 154:

Act ratifying the Acts about Bullion, that soverty be found for bringing it home equivalent to the goods transported, that it be compted for yearly in Exchequer, and detalcation given to the Merchant, if any loss of goods happens him. And that for every ounce of utter fine silver, the Master Cunzier pay to the Merchant fourty shillings and make compt for the profit to the King, Ia. 6: p: 7: c: 107: pag: 451.

Ratification of all Acts anent the home-bringing of Bullion, and that the Thesaurer and his Deputs compt therefore yearly in Exchequer, Ia: 6: p: 14: cap: 206: pag: 693:

That for the ounce of Bullion twelve deniers fine, which the Merchants are astricted to bring home, they have an ounce of his Highness own Coyn of eliven deniers; And of all other Bullion that they shall voluntarly bring in, the thirtieth penny only to be retained to his Majesties profit, Ia: 6: par: 15: cap: 253: *in initio Tagine* 728.

That all forrain Cuinzie be made use of only for Bullion, and that the Officers of the Mint make a Table of the prices thereof, *Ibid:* ¶3. *pag:* 728:

Commission given to the Lords of Council for taking order anent the home bringing of Bullion, and discharging the transport of Gold, Silver, and forbidden Goods, under such pains corporal and pecunial, as they shall think fit: Ja: 6: p: 16: cap: 9: *pag:* 770:

That all Commodities lyable in payment of Bullion, pay according to the Alphabet set down in the Act. That the Customers, with concurrence of the Clerks of the Cocquet, cause every Merchant, Native, or Forrainer, exporter of the said Commodities, find sicker soverty, or give pledges, that the due Bullion be delivered to the Officers of the Mint: And that of Forrain Bullion, either Plate, or burnt Silver, twelve denier fine, and being baser, to be made up by weight, and reckoning, and that before he receive his Cocquet, That none of his *Majesties*, or his Predecessors Coyn, or any other satisfaction be received for the said bullion, under the pain of deprivation of the Customer, or Clerk of Cocquet, and farther punishing in their persons and goods at the privy Councils discretion: And who shall discover any such Collusion, shall receive a third of the value of the bullion to have been payed by the Merchant. That the Customers be Comptrolled by the Receipts of the Officers of the Mint, and be answerable for the superplus: And that they give the Merchant convenient time, the longest not exceeding seven moneths, for home bringing of the bullion. And lastly, that the foresaid Alphabet be of force from the date of this Act; and all Commodities hereafter exported lyable accordingly, without respect to any other made, or to be made in this Parliament, *Ca:* 2. p, 1: Sess. 1: c: 37: *pag:* 196:

But all Native Commodities and others exported forth of the Kingdom, are discharged of the payment of bullion, and the same imposed on goods imported, and at the rates, specified in the Act: Which rates the Merchant is to pay to the Officers of the Mint at the importing, or twelve shillings *Scots* for Ilk ounce to the Collector of the port, redeemable alwayes within 40 dayes, upon payment of the bullion. And for every ounce of bullion twelve penny fine, the Merchant is to get back three pound ten pennies *Scots*, and of eleven penny fine fifty five shillings nine pennies, and so forth. And all Customers *virtute officii*, are declared countable

able to the Officers of the Mint for the said Bullion, or prices thereof, and are bound to give in accompts of the whole foresaids Commodities imported, and that upon Oath yearly to the Exchequer, and to produce the Merchants subscribed entries: And the Officiars of the Mint are oblidged to import the stock of Bullion themselves, for the saids prices they shall receive, and to Coin the same in his *Majesties* Coin. And no Act made or to be made in favours of *Manufacturies*, or others, shall exeem the saids Goods imported from the foresaid Bullion, *Car.* 2. par. 2. Sess. 1. c. 8. *pag.* 387.

BURGHS, See *Craft*, and Merchant.

That in all Burghs there be Eight, or Twelve persons, after the quantity of the Town, chosen of Secret Council, and sworne thereto, to decide maters of wrong or unlaw to the avail of Five, or Eight pounds within eight dayes warning, Ja. 2. p. 11. c. 46. *pag.* 68.

That no man in Burgh be found in man-rent, nor ride in rowte, in feir of weir, with any but the King, and his Officiars, or the Lord of the Burgh, and that they purchase no Lordship in oppression of their Nighbours, under pain of Confiscation, and their lives to be in the Kings will, Ja: 2: p: 14: c: 77: pag: 82: Ja: 4: p: 3: c: 34: pag: 162: and Jam: 5: p: 4: c: 26: pag: 211: See *Leagues*.

That all Merchants be Free-men Indwellers in Burghs, Jam. 3. p. 2. cap. 11. *pag.* 92. See *Merchants*.

That Officiars in Burgh be not continued farther then a year, that the Old Council first choise the New; And then both Old, and New choise the Officiars: And that ilk Craft have vote in the Election of Officiars, by one to be chosen by the Craft yearly; And that no Captain, nor Constable of any Castle may bear Office in the Town, Ja. 3. p. 5. c. 29. *pag.* 102.

In all Burghs four of the Old Council should be chosen yearly to sit with the New, notwithstanding the preceeding Acts, Ja. 3. p. 7. c. 56. *pag.* 114.

That the Election of Officiars in Burghs, be without partiality, or Mastership, Jam. 3. p. 14. c. 108. *pag.* 138. That all Officiars in Burgh, be changed yearly, and that they be Persons using Merchandize within the Burgh, Jam: 4: p. 6. c. 80. *pag.* 185. Honest, and Substantious *Burgesses*, *Merchants*, and Indwellers thereof, under the pain of Tinsel of their Freedom, who does in the contrary, Jam. 5. p. 4. c. 26. *pag.* 211.

That none be capable of the Magistracy, or any other Office:

within Burgh, except Merchants. and Actual Traffequers, within the said Burgh allennerlie, and no others. And that the saids Magistrats, and Commissioners of Burghs to Parliaments weare such decent Apparel in all solemne occasions, as his Majesty shall prescribe, Jam. 6. par. 20. c. 8. at the Marginal note, *Magistrates within the Burrows.* pag 839.

That the *Commissioners* of *Burrows* conveen yearly in *Innerkeithing*, the *Morn* after St. *James* day to treat about the wel-fare of Merchandize, and their own common profite, and the Burgh absent to pay Five pounds, to the cost of these present, and that Letters be direct thereupon. Jam. 3. p. 14. c. 111. pag. 138.

That all *Ships*, Strangers, and Others, come to free Burrowes, and there make their Merchandize, and that *Strangers* buy no Fish, but salted, and Barrelled, and they make no *Merchandize* at the Lewes, and that no *Subject* take *Ships* to fraught in defraud of the King, under the pain of Tinsel of Life, and Gudes, and *Strangers* contraveening, tine Ship, and Gudes, Jam. 4. par. 1. Cap. 3. pag. 147.

This Act Ratified, and farther, that none buy from the saids Strangers, but from Free men. at the ports of the saids Burrowes, under the pain of *Escheat* of their Moveables, Q. M. p. 6. c. 59. pag. 306. But this Act is called *an Act anent liberty of Merchants at the West-Sea*

And these Acts again Ratified, and that Strangers neither, buy, nor sell, any Merchandize, but at free *Burrowes*, and with Free men. and that none *Conduct*, Fraught, or Pilote any Strangers to the Isles, under the pain of Tinsel of *Life*, Lands, and Gudes, Jam. 6. p. 7. c. 120. pag. 467.

That Strangers Merchants, lodge in the free *Burrows* or principal Towns of the Ports where they arrive, and that their Hoasts give an accompt to the King of their gudes, inward, and outward, Jam. 4 p. 4. c. 41. pag. 166.

That there be sic-like *Process* for the recovering of annuals, at the Fourth Court in the Burgh of *Perth*, and in other Burghs, as in *Edinburgh*, Jam. 4. p. 2. c. 20. pag. 156. But this manner of Process is in desuetude.

That the Common-gude of all Burrowes, be spent for their Common profite, by the advice of the Town Council, and Deacones of Crafts, where they are. And that the Chamberlane enquire into this yearly. And that the Rents of Burrowes be not set, but for three years allennerly, under pain of Nullitie, Jam. 4. p. 3. cap. 36. pag. 163.

Ratifi-

Ratification of the Privlledges of Burrowes, and that none dwelling out of Burrows, use *Merchandise*, nor tap, nor sell, Wine, Waxe, Silk, Spicerie, wadd, nor sic-like Stuff, nor staple Gudes, nor pack, nor peill, in *Leith*, or other places, out-with *Burrowes*, under the pain of escheat of the gudes, Jam. 4. par. 6. cap. 84. pag. 186.

That Commissars, or Heads-men of *Burrowes*, be warned to the giving of taxes, as an of the Three Estates, Ibid. cap. 85. pag. 186.

That no Nighbour in Burgh, usurp against the Officiars thereof. *Ibid* c. 87 pag: 187. That none house Wool, Hides, nor Skins, in *Leith*, or other places, out with *Burrowes*, *Ibid.* cap. 88. pag. 187.

That Magistrats of Burghs bring yearly to the Exchequer, their Compt Books of their Common gude, under the pain of tinsel of their Freedom, and that fifteen dayes of before, they warne all that pleases to come, and object against their accompts, Ja. 5. p. 4. c. 26. pag. 211.

That no Earl, Lord, *Barron* nor Other molest burrowes, their Officiares, or Merchants, in using their Liberties, under the pain of Oppression, *Ibid.* cap. 27. pag. *Ibid.*

That no man pack, nor peill Wool, Skin, or Hide, or losse nor laid, out-with free burghs, and priviledge thereof, Jam. 5. p. 7. c. 107. pag. 251. *Item*, that no Persons Strangers, or Inhabitant within the Realm, pack, or peill any *Hides*, or *Skins*, in the Isles, out-with the free burghs, under the pain of Tinsel of the saids Hides, or Skins, and the Sherriffs, and Over-lords of the Land where the same is done, are ordained to put the Act in Execution, Jam. 6 p. 23. c. 12. pag 973.

He that tines the cause within burgh, payes the winners expences, Jam. 5. par. 7. cap. 110. pag. 252. And also Twelve pennies *per* pound to the Poor. Jam. 6. p. 6. cap. 91. pag. 433.

That the Officiares of Burghs, have the only power to punish Fore-stallers within the same. Jam. 5. p. 7. c. 113. pag. 253. Renewed, but the power of accusing, (because of the negligence of *Burrowes*) given also to the Thesaurer, or his Majesties Advocat, Ja. 6. p. 12. c. 150. pag. 641.

That burrows have an universal weight, Jam. 5. p. 7. c. 114 pag. 253.

That the Officiares in burghs Search, and Apprehend, all havers of false money, or Counterfeiters of the Kings Irons, for Cuinzie, *Ibid.* cap. 124. pag. 257.

That *Magistrates* of burghs cause Deacons, Crafts-

men, and Hostellers, set and take reasonable prices, for their work, and Victuals, or else deprive them of their Office, and Priviledge, Q. M. p. 5. c. 23. *pag.* 283.

Ratification of the Priviledges of Burroues, and Burgesses, and that Letters be direct upon their Priviledges, and Acts of Parliament made thereupon, without calling any Party, Q: M: p: 6: c: 49: pag 301. p: 9: c: 86: *pag:* 330: Ja: 6: p: 1: c: 25: *pag:* 373: p: 5: c: 64: *pag:* 404: p: 6: c 85: *pag:* 429: and p: 19: c: 5: *pag:* 822:

That all Common high gates to and from free Burrows, and to and from dry Burrows, from and to Seaports, nixt adjacent, be keept, and no stope made there-untill under the pain of Oppression, Q. M: p. 6: c: 53: *pag:* 303: Ratified, and ordaining such as shall stop or Impede the same to be charged summarily on Sex dayes before the Lords of Session, (as only Judes thereto appointed) to be decerned to have done wrong, and to desist, and find caution for that effect, under such pains as shall be modified, half to the King, half to the Party greived, and the probation to be by Famous Witnesses, and not by an Assise, Ja: 6: p: 12: c: 159: *circa finem*, *pag:* 649: Act in favours of Burrows of the West discharging unwarrantable Exactions of Fishers in *Loch fine* and other *Loches* of the Isles, they bringing their Fishes within this Realm, for serving the Country allennerly, under the pain of Oppression, Q: M: p: 6: c: 54: *in fine*, *pag:* 303: That none make privie Conventions, put on Armour, display Banners, or sound Trumpet, or Talbron within Burgh, without the Queen, and the Magistrats licence, under the pain of Death, Q: M: p: 9: c 83: *pag:* 329: Ratified, and that none Convocat or assemble within burgh, except they have licence of the Magistrats and that they doe nothing in their meeting against the Acts of Parliament, and quiet of the burgh, otherwise the saids meetings, are declared seditious, *Item*, all the Inhabitants are ordained to assist the Magistrats, and their Officers, for the suppressing of tumults, under the pain to be Punished by the Magistrats, and Council of the burgh, as Fosterers of the saids Tumults, Jam: 6, p: 18: c: 17: *pag:* 814:

That the burrowes may meet four times in the year by a Commissioner for ilk burgh, and two for *Edinburgh*, at what burgh they please, for matters concerning their State, Ja: 6: p: 5: c: 64: *circa finem*, *pag:* 404: Ratified, and that the burgh not keeping the Convention, when appointed, by the most part, or by the burgh of *Edinburgh*, and any Sex, or Eight, of the rest, and warned, by a missive

missive of the Provest, and Bailies of the burgh where the Convention is to hold, or otherwayes lawfully cited, be fined, in Twentie pounds, toward the charges of them that meet, and that on the Act of the Convention, Letters of Horning, and poinding be summarly direct at the Instance of the burgh of *Edinburgh*, for payment of this fine, *Ja:* 6: p: 7: c: 119: *pag:* 467:

That the Taxation of burrows be not altered, but stand as formerlie, that is to say, that it be the Sexth part allennerly of all general Taxations, *Jam:* 6: par: 11: c: 11.: *pag:* 591:

That no free burgh, sell, or annailzie their freedom in haill, or in part, to any other burgh, or any otherwayes, without licence of his Highness, and Three Estates of Parliament, under the pain of Tinsel of Freedom of the burgh, either buying, or selling, *Ibid:* c: 113. *pag. Ibid:*

Act Ratifying all former Acts, and of new statuting, that none exercise Merchandise not being free burgesses, under the pain of Escheat of their haill Moveables, half to the King, and half to the burgh whose Commissioners shall apprehend the same, but prejudice of Landed men, to have some Merchandise to their own use, and behoove, Providing they sell not the same again, *Ja:* 6: p: 12: c: 154: *pag:* 644:

That all Inhabitants in burghs, whether they be admitted burgesses, or not Exercing Traffecque, or having change within the same, bear their part of all Taxes, Stents watchings. wardings, and all Dewties, and Services, touching the King, or burgh, without respect to any Priviledge granted, or to be granted, except that the King may exeem one of ilk Craft for his own service, and without prejudice to the Members of the Colledge of Justice, *Ibid:* c: 155: pag: 645:

That there be three burghs bigged, one in *Kintyre*, another in *Lochaber*, a third in the *Lewes*; with all Priviledges of burghs, *Jam:* 6: p: 15: c: 267: *pag:* 738: See the Act in *Highland:*

That there be no Exercise of Craft in the Sub-urbs of burrowes; but that the Magistrat, and their Officiars may intromet with, and escheat all work, wrought, or working there, to whomsoever the materials may appertain. *Ja:* 6: p: 12: cap: 156: *pag:* 646:

And thir two Acts Ratified, extending the former to free and un-free, having their Commoditie within burgh, and having no other dwelling, and bearing no burden without the same, *Jam:* 6: p: 14: c: 229: *pag:* 707.

Ent:

But declared thus, that all residing within Burgh with their Families, who may spend a Hundred pounds a year, or are stented to be worth Two Thousand merks, be subject to burdens with the rest of the Inhabitants, exeeming and excepting *ut supra*, Jam. 6. par. 15. cap. 279. pag. 744.

That all unfree Persons not Actual burgesses of the Royal burrows where they dwell, and payes no taxt, and stent, desist, and cease from using Merchandize, or any of the Liberties of the saids burghs, under the paine statut against unfree Trafecquers, and that Letters of Horning be thereon direct, charging the saids unfreemen to find caution to obey this Act, as also upon the decreers of the Convention of Burrowes, betwixt Burgh, and Burgh, and Burgesses of free burrowes, upon ten dayes, Jam. 6. p. 19. c 6. pag. 822.

That Letters of Horning on a simple charge of ten dayes, be direct on all Decreers, and Acts of burrowes *inter Conviues*, and others subject to their Jurisdiction, and the Officers Execution thereof given on fifteen dayes, Jam. 6. p. 13. cap. 181. pag. 667.

That the common gude of burrows after the yearly rouping, and setting thereof, be yearly bestowed at the sight of the Magistrats, and Council, to the doing of the Common affairs thereof, *Ibid.* cap. 185. pag. 669.

That the Magistrats at the Instance of the Heretor, take summar cognition upon citation of the Party, of the condition of Lands Life-rented within burgh, and ordain the Life-renter to repair them within a year, wherein if the Life-renter failzie, the heretour may enter to the Possession upon security found to pay to the Conjunct-fier, the maill the house may give the time of the cognition, and this extended to all brunt, and waist Lands, Ja. 6 p. 14. c. 230. pag. 707.

That burghs and their stent Masters do only stent persons according to their rents, and holding within burgh, but not according to their livings, and rents lying out-with the same, Iam. 6. par. 15. cap. 280. pag. 745.

Ratification of all Priviledges, and Acts in favours of free burrowes, and burgesses, and especially of the Acts, Iam. 3. p. 2. cap. 11. Ia. 4. p. 6. c. 84. Iam. 6. p. 12. c. 151. and p. 19. c. 6. (all here above) Declaring the Liberties contained in these Acts to be only propet

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and competent to the free Royal burrows that have vote in Parliament, and bear burden with the reſt, Car. 1. p. 1. c. 24. pag. 67. but this Act corrected, and it is ordained that freemen of Royal burghs, and none elſe may buy or ſell, in great, or whole ſale, Wine, Wax, Silks, Spiceries, and Wad, or other materials for dying, and that none may import, or export the ſame, or import any other Commodities, except as this Act allowes, but prejudice to Noblemen, Prelates, Barons, and others of their priviledge of importing for their own uſe, but it is declared leaſom to any Subject, or any who ſhall buy from them to export cornes of the grouth of the Kingdom, all manner of Cattel, Nolt, Sheep, and horſe, coal, Salt, and wool, Skins, Hides, and all other native commodities: And Burghs of Regality, and barrony, & their burgeſſes, and Members of Societies, may export all their own Manufacture, or ſuch gudes, as they ſhall buy in Fairs, and Mercates, and all theſe exporters may import for their returnes, or fraught and hire of their Ship, Timber, Iron, Tar, Soap, Lint, Lint ſeed, Hemp, Onions, and neceſſaries for Tillage, or building, or the uſe of their Manufacturies, and alſo may tax, and retail, all commodities whatſoever. And if any unfree-man ſhall be found to have any gudes, to be bought, or ſold, exported, or imported, contrary to this Statut, if within burgh Royal, ſub urbs, or pendicles thereof, then the gudes may be ſummarlie ſeaſed, as eſcheat, but if out-with, then they may only be arreſted, and preſewed as eſcheat, half to the King, and half to the burgh apprehender, but they may not only in this laſt caſe be ſummarly ſeaſed by way of tact, by any burgh, or any for them, under the pain of a Riot, and all Acts and Ratifications contrary there unto, are reſcinded, and Letters of Horning are ordained to be direct on this Act, at the inſtance of burghs Royal, Car. 2. p. 2. Seſſ. 3. c. 5. pag. 455.

That where houſes are ruinous within burgh, by the ſpace of three years, the Magiſtrats may warn theſe known, to have intereſt therein, of propertie, or Annual-rent, Perſonally, or at their dwelling houſes, and them, and all others, at the Paroch Kirk, and Mercat-croſs, and in caſe of abſence out of the Realme, at the croſs of *Edinburgh*, and Peer and Shoar of *Leith*, on Sexty dayes, to repair them within year and day, or otherwiſe, that they will cauſe the ſame be valued, and ſold to others, paying or conſigning the price, who will repair them within the ſaid ſpace, or

if

if none will buy, then the Magistrats may buy, and re-build them, and this right to be an un-questionable security to the builders, Car: 2: p: Sess: 3: c: 6 pag: 320. That no Royal burgh keep Mercats on Monday or Saterday, Car: 2: p: 1 Sess: 3 c: 19. pag 338. See it in Mercats. Burgesses and indwellers in burgns Royal, may only arrest strangers, living without the burgh, for Horse-meat, or mans-meat, Abuilzements, or other Merchandite, due to themselves originallie, without bond, or security given therefore, otherwayes the Magistrats may be presewed for wrongous Imprisonment, Car: 2: p: 2: Sess: 3: c: 8: pag: 462:

BURIAL.

Act Restraining the exorbitant expences, and numbers at burials, and discharging absolutlie Mourning Clocks, under the pain of an Hundred pounds, Car: 2: p: 3: c: p: 14: pag. 549

BURNT LANDS.

Rules anent the repairing of brunt Lands in burgh, 1 That if the Annualrenter, bear his part of the expence of repairing, proportionally to the Annualrent, and Rent, he have his whole Annual the next term after the repairing, 2 if the Annual renter doe not contribut to the bigging, he shall want the Sexth part of his ground Annual, the Fifth of his few Annual, and the Sexth of his top Annual, Declaring nevertheless the said deteasance redeemable by the Annual-renter by payment to the Owners of Ten pounds, for ilk Merk given down. 3 If the Owner repair not within two years, then the Annual-renter may persew his Annual (abating as above) as accords: 4: If the Annual lye upon the haill Tenement and a part of it be only brunt, and if the part that rests may pay the haill Annual, and twise as much to the Owner, then the whole Annual shall be payed, but if not, the Deduction to be proportional, affeirand to the Third penny, 5: If the Annual be redeemable and the Annualler contribut as in the first Article, then a half more of the sum in the reversion shall be eeked thereto, 6- If the burnt Land belong to a Chaplain, and he not able, and the patron not willing, or not able, to repair it, then the Chaplain may set it in few, without the Patrons content, (making alwayes the first offer to the Patron) for the true avail. 7: If the Land belong to a Life-renter, and ane proprietar, then the Life-renter hath the preferrence if pleased to

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bigg, and therefore shall the Proprietar, and the Land both be bound to refound after her decease the third of the real expence to her Executors, or Assigneys, the Land being alwayes bigged as it was before, otherwayes the Proprietar may bigg paying to the Life-renter, the third of the free-maill, it payed before the burning, *Q: M:* p: 4: c. 10. *pag:* 272:

This order anent burnt Lands betwixt the Owner, and Annualler appoin ed to be observed, as to Lands in *Edinburgh*, and about it, belonging to the true Subjects, and burnt by the then Rebels, Jam 6. p. 4. c. 58. *pag:* 401.

Anent, Life-renters repairing burnt, or waist Lands in Burghs, Ja. 6 p. 14. c 230. *page* 707. See the Act in *Burghs.*

BURSARES.

What Benefices, Patrones may present, and dispone to Bursares, see it in *Patrones.*

C

CALUMNIE.

Oath of Calumnie, *See Actions.*

CARDES and DICE.

That none play at Cards or Dice, in any Common house, Town, Hostellarie, Cooks House, under the pain of fourty pounds, the keeper of the said House for the first, and loss of Liberty for the second fault, and that there be no playing in any privat House, except where the Matter playes; And if more be win in Twenty four hours, then an Hundred merks, it shall be consigned in the Kirk Theasaurers hand in *Edinburgh*, or in the Collector for the Poor his hands in the Countrey And Magistrats of Burghs, and Sheriffs, and Justices of Peace in the Countrey, are impowered to perlew for this superplus winning, or otherwayes are declared lyable to the Informers for the double, whereof the half to himself, the other to the poor, Jam: 6. p: 23. c. 14 pag: 874.

CASHET.

The

The keeping of the Caſtel committed to the Privy Council. *See Council.*

CASTLES.

That every Lord, having Land, and Caſtles, and mannours thereon beyond the *Month*, big, and reparrel the the ſame and dwell therein by themſelves, or their friends, for gude Policy, Iam: 1: par: 5: cap: 82: pag: 23:

That all havers of Caſtles, ſtuff and ſtrength the ſame againſt the *Engliſh*, Ja: 3: par: 11: cap: 82: pag: 124.

That he who has received ſince the King (King *James* the ſixth) his Coronation, or ſhall receive hereafter, money, land, or other goods, for rendering the Kings Caſtles and Strengths, with his *Munition* and Jewels therein, he be liable to reſtore the ſame, as extorted, Ja: 6: par: 7: cap: 125: pag: 471:

Particular Aſsignation of money and victual for the better keeping of the Caſtles of *Edinburgh*, *Stirling*, *Dumbarton* and *Blackneſs*, according to the poſſeſſion had by the keepers of the ſaids Caſtles for five years preceeding. And declaring all deeds in prejudice thereof null a: 6: par: 9: cap, 8: pag, 503.

CASUALITY.

The Kings Caſualities ſhould not be given away in great, as theſe of a whole Country, or the confirmation of the whole Fewes of a Prelacy, or of any ſpecial crime, Ja: 6: par, 11. cap: 70: pag: 569:

CATTEL. *See* BESTIAL

CAUPES.

Caupes, that is a Horſe, Mare, Ox, or Cow, under the notion of *beſt aught*, taken by heads of Kin, Clanns, or others in *Galloway*, for maintenance of the givers, diſcharged, under the pain of Reiff, Ja: 4: p: 2: c: 180 pag: 155: And that tryall be taken of Caupes in *Carrick*: *ibid.* c: 190 pag: *ibid*:

Caupes univerſally diſcharged, under the pains foreſaid, Ja: 6: p: 22: c: 21: *in fine* pag: 920:

CAUSES. *See* ACTIONS.

CHAMBERLAIN of the KINGS PROPERTY.

That Chamberlains and Receivers of the Kings Rents find soverty in *Edinburgh*, to make compt in the ordinary time in Exchequer, and payment twenty dayes thereafter, Ia: 6: p: 11. c: 65: pag: 568: Ratified and extended to all Chamberlains, and Fewers of his Majesties propertie, Customers, Bailies of Burrows, Sheriffs, and others Intrometters with the Kings duties and casualities; Ja: 6: p: 14: c: 234: pag: 714.

And both thir Acts ratified, Car: 2: par: 1: Sess: 3: c: 15: *in medio*, pag: 332:

All Offices of Heritable Chamberlainries of the Kings property declared null, Ia: 6: p: 15: c: 242: pag: 720:

CHAMBERLAIN of SCOTLAND.

Chamberlain Airs need not be continued, but continue of themselves untill dissolved by the Chamberlain, Ia: 3: p: 5: c: 38: pag: 107:

That the Chamberlain inquire yearly how the common good of Burrows is spent, Ia: 4: p: 3: c: 36: pag: 163: See it in *Burghs*:

CHANCELLOUR.

The Lord Chancellour for the time hath right to preside in Parliaments, and other publick Judicatories, Car: 2: p: 1: Sess: 1, c: 1: pag: 135.

CHANCELLARY.

That the form of the Chancellary, in Breives and other Letters, be observed, without innovation, or seeking new terms, under the pain of nullity, except the Brieve of Summonds of Error, Ja: 4: p: 3: c: 24: pag: 158:

CHAP:

CHAPTER.

That the Chapters of *Bishopricks* remain according to their foundations: And the Act appoints a new Chapter for the Archbishop of St: *Andrews*, in place of the Priory, reserving to the Bishop his priviledge: That the common Seal to be made by him, shall serve for the Chapters consent, without their Subscriptions; And the old common Seal to be sufficient in the *interim:* Ja: 6: p: 18: c: 3: ¶ 1: and 2 pag: 802:

That the said appointment of a Chapter for St: *Andrews* consist of at least seven, to be chosen by the Archbishop, of these dwelling, and having charge within his Diocels: And the reservation above mentioned is renewed, Ja: 6: p: 19: c: 8: pag: 824:

That all Deans, and other Members of Chapters of Cathedral Kirks be restored to their Manses, Gleibs, and Patrimony, for which end the same are dissolved from the Crown, without prejudice of Fewes, Tacks, and other Rights already lawfuly made: As also, of Patronages disponed by the King, with consent of the Titular to Laick Patrons, albeit not ratified in Parliament: As also, of the erection of the Priory of St: *Andrews* to the *Duke* of *Lennox*; And also to the Town of *Edinburgh*, of the Rents, Teinds, and Tenements disponed to them for their Hospitals, Colledge and Ministry: As also, of all Teinds and others disponed to any of the Colledges of St: *Andrews*: As also, reserving to the Marquels of *Hamiltoun* the House and Place of *Hamiltoun*, with the pertinents, in so far as they pertained to the Deanry of *Glasgow*, to be holden hereafter off his Majesty, with the whole other restrictions in the Act restoring Bishops (See it in *Bishops*) in favours of Fewers, Tack-men and others: *Item*, As to the entering of Vassals, the direct Superiour may do the same without the consent of the *Bishop*, and remanent Chapter: *Item*, In stead of the Prior and Priory of St: *Andrews*, formerly Dean and Chapter of that Sea, a new Dean and Chapter are appointed, as in the Act: And the Archbishop is to be chosen by eight Bishops, and five Ministers named in the Act, or the most part of them, The Bishop of *Dunkell* Conveener, and Vicar-General: And three Bishops are added to the Ordinary Chapter of *Glasgow*, for electing the Archbishop thereof, and the Bishop of *Galloway* conveener: Without prejudice to the ordinary Chapters of

of their former right and power in all other things, Ja: 6. p; 22: *Anno* 1617: *page* 876: Ratified with this addition, that all deeds done since, or to be done hereafter, suppressing any Member of a Cathedral Kirk, being in office or dignity, or dissolving any Land, Parsonage, Vicarige, or other living, from the dignity, without his Majesties express warrand, and consent of Parliament, are, and shall be null, without prejudice to the Marquess of *Hamiltoun* his right to the Parsonages of *Hamiltoun* and *Dalserf*: And of the Earl of *Marr's* to the Parsonage of *Carnwath*, and any other Persons lawful right before the said Act of Parliament 1617, Ja. 6. p: 23: c. 11: page 973.

CHARGES Super Inquirendis. *or under the pain of Treason.* *See* Inquirendis.

CHARTERS.

Charters under the great Seal should have the Precept of Seasing ingrossed, and may be written Book-wayes, Car. 2. par. 2. Sess. 3. c: 7: page 460. See *Precept of Seasing and Seal.*

REGISTRATION of CHARTERS. *See Registration.*

CHAUD-MELLA. *See Fore-thought Felony.*

CLANN. *See High-Lands.*

For stouth or reiff committed by any notorious Thieves of the Clanns of Thieves, any other of the Clann, their servants, or dependers may be seized, untill the Principals, or others of the Clann cause the skaith be redressed, or at least find soverty for that effect, in case it be found that the offender was any way reset among the Clann after the deed done. Ja. 6. p: 7: c: 112. ¶2. pag 457.

As also, the goods of any other of the Clann, *&c.* may be seized, as said is, without any danger of spuilzie, or violent profits, and the Sheriff or any other ordinary Judges to Burgh or Land, or any other Person of power present for the time, being desired should concur

concur and assist to the saids seisure of persons and goods, under the pain of repute and lyable as partakers, Ja: 6: p: 10: c: 16: *pag:* 510

If goods taken by one Clann be transported to another, that the chief of the Clann where the goods of his witting are received, be required to make redress, and refusing, be lyable: And slaughter or hurt done by the Owner, in pursuit of his goods, is fully Indemnified, Ja. 6. p. 11. c. 101. *pag.* 516.

CLERK, or CLERGY-MAN.

That no Clerk, nor Clergy-man pass, nor send Procuratours for him over Sea, without the Kings leave, Ja. 1. p. 1. c 13: *pag.* 4.

That no Clerk purchase any pension out of any Benefice, or raise any Pension already granted, under all highest pains *Ibid* c. 14. *pag. Ibid.*

That Clergy men be obliged to warrand their Fews and Tacks from their own facts and deeds allenerly, Ja. 6. p. 11. cap. 111. *pag.* 590. See *Barratrie* and *Benefice.*

CLERK of the SESSION. *See* Session.
SHERIFF CLERK. *See* Sheriff.
CLOATH.

That Woolen Cloath be mett by the Ridge, and not by the Selvedge, Ja. 3 p. 5. cap 31. *pag.* 103.

That no man draw Cloath, under the pain of tining the Cloath and freedome for year and day: and that there be an able man appointed for trying and sealing the cloath and colour, Ja. 5. p. 7. c. 112. *pag.* 252.

COAL-HEUGHS, COALLIERS, &c.
COALS.

That no Coals more then necessary provision be carried forth of the Realm, under the pain of confiscation of the Coals, the Vessel and all the Goods therein belonging to the Owner of the Goals, Q. *M.* p. 9. c. 14. *pag.* 329.

Ratified, and the revealer and pursuer have the third of the Escheat, Ja: 6: p: 6: cap: 90: *pag:* 433.

Willful firing of Coal-heughs declared to be treason, Ja: 6: p: 12: c: 148: *page* 639.

That

That no great burn Coal be transported, under the pain of confiscation thereof, and of the Vessel; and that the Magistrates of Burghs, and Customers, and Searchers apprehend the Contraveeners, and arrest the saids Vessels, Jam. 6. par. 15 cap. 257 *pag.* 732.

That none hire Coalliers, Coal bearers, or Salters, without they have a Testimonial from their last Master, or an Attestation from a Judge, of the cause of their away-coming; and who otherwayes hires or Intertains them, if challenged within a year, shall deliver them back within twenty four hours, under the pain of an hundred pounds. And the saids Coalliers, Coalbearers, and Salters, receiving fore-wages, to be punished as Thieves. *Item*, Coal, and Salt masters may apprehend, and put to labour all Vagabonds and sturdy Beggers, Ja 6 p 18. cap. 11, *pag*: 810.

This Act extended to Water men, Windel-men, and Gatel-men in Coalheughs. *Item*, That no Coal-master give any greater Fee to Coal-hewers then twenty merks in Fee or Bounreth: And that the Coal-hewers, and other workmen in Coal-heughs, and Salters, work all the sex dayes of the week thorow the year, except the time of *Christmas*, under the pain of twenty shillings *per diem*, beside their Masters prejudice, and corporal punishment, Car. 2. par. 1. Sess 1. cap. 56. *pag.* 257.

COAL MEASURE. *See Measure.*

COCQUET.

That all Coquets be special in the quantity and quality of the Goods, and the Owners names; and that the Conservator admit of no other Cocquet, but confiscat all Goods not therein expreemed, Ja. 6 p. 15. c. 259. *pag.* 733.

That the Conservator arrest all Ships wanting formal Cocquets, and escheat all the Goods therein to his Majesties use. *Ibid.* cap, 260. *pag. Ibid.*

That Cocquets pass in the names of the principal Owners of the Goods, and not in poor mens names, Ja: 6 p. 18. c. 6. ¶ 2 *pag.* 807 The Act is, Anent the Customs between *Scotland* and *England*.

That no greater price be exacted for entering Ships and Goods then twenty three shillings four pennies: And for the Cocquet fourty shillings: And that the keeper of the Cocquet attend his Office, and exact no more, under the pain of deprivation, Car. 2 p. 1. Sess. 1. c. 55. *pag.* 256.

COLLEDGE.

COLLEDGES. See Schools and Universities.

COLLEDGE of JUSTICE. See Session.

COMBAT.

That none fight any singular Combat, under the pain of death, and escheat of moveables, and the Provocker to be punished by the more ignominious death, Ja. 6: p. 16: c. 12. pag: 771,

COMMENDS.

Commends bygone, and in time coming discharged, under the pain of tinsell of temporality for the purchassers time, and als under the pain of Rebellion, except that the Ordinar may Commend for sex moneths, Ja. 3. p. 1. c. 3. pag. 89.

COMMISSARS.

The Commissars Judges competent to Actions of Benefices, Ja. 6, p. 1: c: 28: pag: 374.

The Commissars of *Edinburgh* appointed, two of them to be nominate by the Archbishop of St. *Andrews*, and the other two by the Archbishop of *Glasgow*, with sole power to decide in all causes of devorcement, and to reduce all other Commissars Decreets, *in prima instantia*, with subordination nevertheless to the Lords of Session, *Ja:* 6.p: 20: c: 6. § 8. at the marginal note, Commissars in *Edinburgh*. pag: 834.

That Commissars keep Circuits in Spring and Harvest vacance, for confirming Testaments in places convenient in each Presbytery, and there to cite Parties personally, or at their dwelling houses, and Kirk doors on Sabbath after service, C: 2: p: 2: Sess: 1: c: 19. *circa finem*, pag. 417.

COMMISSION.

That no Commission be given for serving of Brieves, or comprising of Lands but to the Judge ordinary, unless he be called to the giving thereof, Ia: 5: p: 6. c: 82. pag. 236.

The King may give Commission to try Fornicators, Ja. 6:

p:

p: 1::c: 13: *in medium*, pag 364. As also, to try such as shoot at Doe & Rae, Cunney, Hare, Dove, &c. *Ibid* c: 16: pag 366:

As also, to try slayers of Black-Fish and Smolts, and cutters of green Wood. *ibid.* c. 30. pag: 375.

As also to certain persons in each Paroch, for executing the Act for observation of the Sabbath, Ja. 6. p. 6. c. 70, at the end thereof, pag. 411. And the Act about Beggers, Ja: 6, p: 6. c. 74. pag: 413. And the Act for punishing the observers of superstitious Rites, Ja: 6. p. 7. c, 104. pag. 445.

All special Commissions of Justiciary should be made by Signatures, and pass the Quarter Seal, that the Respondees may be made thereon; and the obtainer should find soverty at the Chancellary, to report his diligence within fourty dayes, under the pain of fourty pounds: And that no Commission be granted on slaughter, but the Cheif Justice and his Depute to proceed thereupon, Ja. 6. p. 11. c. 76. pag: 571.

Act discharging all Commissions of Justiciary granted of before, and that none be granted hereafter generally, or longer then for the eirand in hand, and upon Caution to produce the Proces, and pay the issues to the King, as effeirs, Ja. 6. p. 12. cap. 128. ¶ 5. at the Marginal note *Commissions* pag 625. The Act is, *The names of all Rebels should be delivered to the Thesaurer.* &c.

That Commissions for executing Penal Statutes be only granted to honest men of good quality, sufficiently authorized by the Lords of Secret Council for that effect, Ja. 6, p. 23. ¶ 2: page. 1001. The Act is, *A generall pardon for deeds done against Penal Statutes*, &c.

His Majesty may nominat Sheriff-Deputes, Justices of Peace, or other Commissioners for executing the Laws against Field Conventicles, irregular Marriages and Baptisms, and invading of Ministers, Car. 2. p. 3. c. 4. *in fine* pag. 533. The Act is, for securing the peace of the Countrey.

His Majesty may by himself, or any Commissionar by him, take cognition and decision of any case or cause he pleases, *ibid:* c. 18. pag: 555. See the Act in *King.*

COMMISSIONERS to *PARLIAMENTS*, and *CONVENTIONS*, *See* Parliaments.

COM-

COMMUNION or the LORDS SUPPER.

That the Parsons of all Paroch Kirks furnish Bread and Wine to the Communion, so oft as it shall be administrate, Ja: 6: p: 3: c: 54: *in fine*, pag. 398.

That all men Communicat once a year, without respect to the excuse of deadly Feede, under the pains, *viz.* the Earl, of a thousand pounds, the Lord, of a thousand merks, the Baron, of three hundred pounds, the Free-holder, three hundred merks, the Yeomen, fourty pounds, and the Burgesses as the Council shall modifie, Jam: 6: p: 16: c: 17: § 2: *pag*: 774.

COMPANIES, *See Fishing and Manufacturies.*

COMPENSATION.

That Compensation *de liquido in liquidum*, instantly verified by Write or Oath, be admitted by all Judges before Decreet, but not by way of suspension, or Reduction of the same Decreet, Ja: 6: p. 12. c: 143: *pag*: 636.

COMPRISING.

That failzieing the Debitors Moveables, the Shireff cause sell his Land, and pay the debt, redeemable by the Debitor, upon payment of the price and expence to the over-Lord, for Charter, Seising, and Infeftment; and if the Sheriff find not a Buyer, that he cause Apprise the Land, by thirteen of the worthiest of the Shire, and assign to the Creditor to the avail of his sum. *Item*, That the over-Lord receive the Creditor, or the Buyer, upon payment of an years Mail, as the Land is set for the time, or else he may take the Land to himself, and undergang the debt, Jam: 3: p: 5: cap: 36: *circa finem*, *pag*. 106.

That the Compriser within the Legal, have only right to as much of the Mails and Duties as correspond to the Annualrent of the principal sum compriſed for, and if the Mails and Duties exceed, and he please to intromet therewith, that they be ascribed in payment of his principal

cipal sum, *pro tanto*; and if his said intromission shall extend to as much as will satisfie the principall sum, and Annualrents thereof, the expences in passing and obtaining of Infestment from the Superiour, with the Annualrent of the saids expences, and the necessary charges and expences made in leading the comprising, then the Comprising to expire *ipso facto*. *Item*. The Legall does not run against a Minor, but he may redeem by payment, as said is, at any time within his perfect age of twenty five years compleat: Yet if the seven years of the Legal run out in his Minority, the Compriser thereafter hath right to the whole Mailles and duties, albeit they exceed his Annualrent. *Item*, If a Minor succeed to a Minor he hath right to redeem, as if the Comprising had been led against himself. *Item*, if a Major succeed to a Minor, after the seven years run against the *Minor*, then the *Major* hath only year and day to redeem; but if the seven years were not out-run in the *Minors* time, then the Major may redeem within the seven, as if the Comprising had been led against himself: But if the Rent of the *Lands* comprised, do not render to the Compriser his Annualrent, then Major or Minor redeeming, must compleat the same: And if the Rent of the Land be Victual, then it is to be estimat by the common prices of the Shire, betwixt *Yuil* and *Candlemas*. *Item*, This Act extends not to comprisings expired before its date, Ja: 6, p. 23. c. 6. *Anno* 1621. pag. 965. And this again *Ratified* as to Minors, but corrected in that, that Minors, during their Minority, are only oblidged for the Annualrent of the sums in the Comprising, and lose not the right of the superplus mails, Car. 2. p. 1. Sess, 3. c. 10. pag: 323.

A Compriser of Lands holden off the King, wanting his Authors Charter under the *Great* Seal, may extract it off the Privy Seal, if it be not Registrat at the Great Seal, and get the Great Seal appended to it at any time, providing this prejudge not a third Party, who hath an Infestment of these Lands passed the Great Seal, prior to the said Infestment so past the Great Seal, which is only of force against the Person from whom the Lands were comprised, and his Airs and Successors, Ja. 6. p. 23. c. 8. pag: 970.

Act discharging the registration of Comprisings, but ordaining them to be allowed and recorded within sixty dayes after the date, otherwayes a posterior Compriser first recorded to be preferred, as to this step of diligence; but prejudice of farther diligence by

Charges, *&c.* *pront de jure*, Car. 2. p. 1, Sess. 1, c. 31. pag. 150.

The legal reversion of all Compriſſings, either to be led, or whereof the Legal not then expired, extended to Ten years: As alſo the Reverſions of all Compriſings led ſince *January*. 1652, or whereof the Legals not then expired, prorogued for Three years after *Whitſunday*, 1661. *Item*, Where the Rent of the Lands exceeds the Annualrent of the ſum due to the Compriſer, the Debitor may cauſe him reſtrict his poſſeſſion to, or take ſecurity for his Annualrent within the Legal, at ſight of the Lords of Seſſion, without prejudice of his right upon the expiration of the Legal. *Item*, that all Compriſings led ſince the firſt of *January*, 1652. and to be led in time coming, before the date of the firſt effectual Compriſing, (That is to ſay, the Compriſing preferable in reſpect of Infeftment thereon, or firſt exact diligence for obtaining the ſame) or after but within year and day thereof, come *in pari paſſu*, the poſteriour (or not preferable) Compriſers, alwayes ſatisfying the firſt effectual Compriſer of his whole expences: And excepting here from all Compriſings for real Annualrents, and other *debita fundi*, which are to be effectual and preferable, according to the Laws and practick now ſtanding. *Item*, If a Compriſer be deſirous to take Lands in ſecurity or ſatisfaction of his debt, the Debitor ſhall be holden to give the ſame at the Lords of Seſſion their ſight, or otherwayes ſhall forefeit all benefit of this Act, Car. 2. p. 1. Seſſ. 1. c. 62. *Anno* 1661, page 268. The Act is, *for ordering the payment of debts, betwixt Creditor and Debitor.*

But there is an exception made from this Act, as to Compriſers coming in *pari paſſu*, where a ſecond compriſer hath ſatisfied the firſt, and acquired right to it, *bona fide*, before the making of the ſaid Act, in which caſe he is not to be prejudged as to his right of the foreſaid firſt compriſing, and only his own ſecond compriſing, is to come in *pari paſſu* with the reſt, Car. 2. p. 1. Seſſ. 3. c. 22. page 341.

COMPTROLLER.

That the Comptroller charge himſelf with the whole Rent of his Highneſs Property, and be anſwerable for all the removeable Chamberlains, as being in-put by himſelf, and that he do diligence againſt ſuch as are Heretable, Ja. 6. p. 11. c. 67. page 568.

That

That no precept, or discharge of the property be allowed in Exchequer, except subscribed, and accepted by the Comptroller. Ibid. cap. 68. pag. 569. See *Exchequer.*

All few Infestments, or Confirmations of the Property, whereby the state of the Lands is altered, not subscribed by the Comptroller, and passing his Register are null, Ja. 6. p. 12. c. 129. pag. 626. Ratified and extended to all Infestments of the Property in general, Jam. 6. p. 13. c. 175. pag. 662.

CONDITION.

That no unlawful, or impossible conditions be made in Contracts, or Obligations, such as for a Party to consent that what ever be his distance, a charge upon a short day, and Denounciation, both at the Mercat cross of *Edinburgh*, with Registration in the Sheriffs Books there, shall be sufficient, but the same are here declared unlawful, and void, Jam 6. p. 12. c. 140 pag. 634.

CONFESSION of FAITH, See Minister, Papist, Religion.

Act annulling all former Acts of Parliament not agreeing with GODS Word, and contrary to the *Confession of Faith*, Ratified in this Parliament, and whereof the tenor is subjoyned to the Act. Ja. 6. p. 1. c 3. pag. 336.

The *confession of Faith*, and *Doctrine of the Protestants in Scotland*, authorized by the Estates of Parliament as a Doctrine founded on the *Infallible Word of GOD*, and whereof the heads follow, First of GOD. 2. Of the Creation of Man. 3. Of Original sin. 4 Of the Revelation of the Promise. 5. The continuance, encrease, and preservation of the Kirk. 6. Of the Incarnation of CHRIST JESUS. 7. Why it behoved the Mediator to be very GOD, and very Man. 8. Election. 9. CHRITS Death, Passion, and Burial. 10. Resurrection. 11. Ascension. 12. Faith in the Holy Ghost. 13. The cause of gude works. 14. (But in the old copies marked 15.) What works are reputed good before GOD. 15. The Perfection of the Law, and Imperfection of Man. 16 Of the Kirk. 17. The Immortality of the Soul. 18. Of the notes by the whilk the true Kik is discerned from the false, & who shal be judge of the Doctrine. 19. The au-

thority of the Scripture. 20. Of General Councils, of their power, authority, and cause of their Convention. 21. Of the Sacraments. 22. Of the right administration of the Sacraments. 23. To whom Sacraments appertain. 24. Of the Civil Magistrat. 25. The Gifts freely given to the Kirk. Thir Acts, and Articles Read, and Ratified by the Three Estates, upon the Seventeen day of *August*, 1560. Ja. 6. p. 1. c: 3. pag: 337.

That all Ministers of Kirks, or beneficed Persons, or who hath pension, or portion, forth of Benefice within a Moneth after his admission, subscribe the Confession of Faith, and give his Oath for acknowledging his Majesty, and make publick Profession of both in the Kirk, where he hath interest on a Sabbath day the time of Divine Service. *Item*, that any such Person maintaining any Doctrine directly contrary to any Article of the said Confession, and persisting, or relapsing after admonition, be deprived of his Church living, Jam. 6. p: 3: c: 46: pag: 388: *Item*, that no licence given to any such Person, to depart and remain forth of the Realm without skaith or hazard, be of any effect, in prejudice of the said Act, or of the Persons provided to benefices vaiking by vertue thereof, Jam. 6. p. 7: c: 106, *circa finem*, pag: 448: The Act is, Against Fugitives and other Papists practizing against the true Religion.

CONFIRMATION of *INFEFTMENTS.*

That in all Kirk or Crown Lands holden off the King, the first Confirmation be of avail, and prevail the second Confirmation by way of exception, or reply, albeit it be of the first Infeftment, without prejudice to these having interest to quarrel the Infeftment confirmed upon nullities, or other reasons competent. *Item*, that no such double Confirmations be granted thereafter, and that the keepers of the Seals do not pass, as also that the second Confirmation be of none avail, Ja. 6. p: 5: c: 66: page 406.

CONFIRMATION of Kirk-lands, See Kirk, *and* Kirk-lands.

CON-

CONJUNCT-FIAR.

A Woman *Conjunct*-fiar Ratifying her consent, to the alienation of the *Lands* made by her Husband, by her Oath in Judgement, that she shall not come in the contrary, will not be heard to quarrel it, or alledge *Compulsion*, Ja. 3, p. 11. c. 83. pag. 125.

That the *Conjunct*-fiar, or Liferenter, required by the Sheriff, or Baillie, find soverty not to destroy the Lands or Houses, but hold them in such case as she finds them; the Act provides also reasonable living for the Aire, but this part of it seems only to respect the Wardator, Ja. 4. p. 3. c. 26. pag. 158. See *Wardator*.

This Act Ratified, and the Sherriffs, and Other Officiars strictly enjoyned to put the same to Execution when required, and impowered to charge for the said Soverty on Twenty one dayes, under the pain of the Tinsel of the profites of the Lands. Ja. 5. p. 4. c. 15. *pag* 205. And both these Acts Ratified, and extended to Lands given in Conjunct-fee, as well to Burgh as to Land, with a particular order for the execution thereof within Burgh, Ja. 6. p. 14. cap. 230. *pag.* 707. See it in Burgh.

CONSERVATOR, *See Low Countries.*

That the Conservator have Jurisdiction to judge with Sex, or at least Four honest Merchants with him, betwixt Merchant and Merchant beyond Seas, and that no Merchant persew another before any other Judge, under the pain of Five pounds, and the parties expences, Ja. 4. p. 6. cap. 81. *pag.* 185.

That the Conservator come home yearly, or send at Procurator to answer for him, under the pain of Tinsel of his Office, and of Twenty pounds great to the King, *Ibid.* cap. 82. *pag.* 186.

That the Conservator admit no Cocquet, except the Merchants, Skippers, and Factors, swear that they have no forbidden gudes, nor no lawful gudes beside what is in the Cocquet, and that they know of none in the Ship pertaining to others, and that so far as they know, all the gudes pertain to Free-men, as also, that before the loadning of the Ship for her return, they swear that the gudes pertain to themselves, and not to Strangers, otherwayes the Conservator may arrest

the Ship, and gudes, at leaſt all the gudes of the refuſer, Jam. 6. par 15. cap. 261. *pag.* 734.

The Conſervator ſhould put the Acts againſt uſurie to Execution, upon all *Scots* Merchants, Skippers, and Factors, in the *Low Countries*, and compt thereupon to the Theſaurer, *Ibid:* cap. 263. *pag.* 735.

CONSTABLE of SCOTLAND.

That the Conſtable, his Deputes, and Miniſters, take no diſtreſſes the time of the Seſſion, or Parliament, of things brought to *Mercat* untill his Inſeftments be ſeen, Ja. 2. par. 13. cap. 60. *pag.* 74.

That in Parliament time, or Fairs, great Conſtables uſe no extortion for what they call their Fees, Ja. 2. p. 5. cap. 33. *pag.* 103. See it in *Fairs.*

CONSTABLES, See Juſtices of Peace.

CONVENTICLE.

All Conventicles, or privat meetings in Houſes, under the pretence of Religious exerciſes diſcharged, Car. 2. p. 1: Seſſ. 2. cap. 4 *circa finem*, pag. 294. The Act is, *Concerning Maſters of Univerſities and Miniſters*, &c.

That no outed Miniſter, or Other not licenſed by the Council, or by the *Biſhops*, preach, expone Scripture, or pray in any meeting, except in their own Houſes, and to thoſe of their own Families, and that none be preſent at any ſuch unlawful meeting, under the pain of being guilty of keeping Conventicles, and the Preacher, Exponer, or Prayer, to be Impriſoned untill he find Caution, under the pain of Five Thouſand merks not to doe the like, or enact himſelf to remove out of the Kingdom, and not to return without His Majeſtie's licence, and the Perſons preſent to be fined, each Heretor, Life-renter, or Wodſetter, in a fourth of his valued rent, each Tennent, and *Merchant*, or cheif Tradeſman, out with Burghs Royal, in *Twenty Five pounds*, and each Cottar, and Inferiour Tradeſman, in *Twelve pounds Scots*, and each ſerving Man, in the fourth part of his years fie, and that for Wives, and Children in Familie tranſgreſſing, the half of the ſaids reſpective fines be payed, and if the Maſter, or Miſtreſs of the Houſe be preſent, that they be fined in the double, and that all be Impriſoned until they make payment, and farther at the Councils pleaſure, and Ma-

giſtrats

giſtrats of *Burghs* Royal, are declared to be lyable for every *Conventicle* within Burgh, as the Council ſhall determine, for which they ſhal have their relief off the Maſter of the Houſe, and Others preſent, at the ſight of the Lords of Council, Reſerving nevertheleſs to the Privy Council, to fine the ſaids Inhabitants if they pleaſe for Conventicles, either within, or without Burgh. *Item*, that who unlicenced as ſaid is ſhall Preach, Expone *Scripture*, or Pray at a feild meeting, or in any Houſe where there be more nor the Houſe contains, ſo as ſome be without Doors, (which is declared to be a Field-Conventicle) or who ſhall Convocat any number to theſe meetings, that they be puniſhed with death, and eſcheat of gudes, and the Apprehender of ſuch Perſons to have Five Hundreth merks reward, and Heretors, *&c.* and all others preſent, to be fined in the double of the fines above ſet down, but prejudice of any other puniſhment due by *Law*, and the *Execution* of the Act is committed to *Shirreffs*, *Stewards*, and Lords of Regality, giving to them the fines of all, except Heretors for whoſe fines they are to be comptable, and they, and *Magiſtrats* of *Burghs*, are declared puniſhable for the negligence, and this Act to endure for three yeats, unleſs *His* Majeſty continue it longer, Car. 2. par. 2. Seſſ. 2. cap. 5, pag. 430. The Act is, *againſt Conventicles.*

This Act continued for other three years, after the expiration of the firſt three, and longer as his Majeſty ſhall appoint, and that Magiſtrats of *Burghs* be careful to Execut the ſame upon their own Burgeſſes, and they, and the other Judges above-named, be diligent, and give accompt of their diligence yearly the firſt *Thurſday* of *July*, to His Majeſtie's Council, under the pain of *Five* Hundred merks, Car. 2. par. 2: Seſſ. 3. cap. 17. pag. 495.

The foreſaid pains of Field-Conventicles doubled, except as to Burgeſſes of *Burghs* Royal, and of Regality, and Barrony, and they, beſide the former fine, are ordained to loſs their Burgeſhips, and be baniſhed the Town, Car. 2. p. 3. c: 4. pag. 531. The Act is, *For ſecuring the peace of the Countrey.* This Act doth not expreſly continue the former Acts, but ſuppoſes them to be continued as they were by his Majeſtie's pleaſure ſignified to the Council.

CONVENTION of ESTATES, *See Parliament.*

The Convention of Estates, 1643. held without warrand from His Majesty, rescinded, with all the Acts thereof, Ca. 2. p. 1. Sess. 1. c. 6. pag: 139.

Convention of Estates holden at *Edinburgh* the 4, of *August*, 1665. And Act thereof for raising a Taxation to His Majesty of 40 shillings the pound Land of old extent, termly, or yearly for five years, beginning the first term or year, at Whitsonday 1666 and proportionally upon the spiritual State. and Burrows, Act of Convention 4 of August, 1665. page 579.

Convention of Estates holden at *Edinburgh*, the 23 day of *January*, 1667, and Act thereof for raising of Seventy two Thousand pounds Monethly to His Majesty for Twelve Moneths after the said Moneth of *January inclusive*. Act of Convention 23 of *January* 1667. pag. 595.

Convention of Estates holden at *Edinburgh* in *July* 1678, and Act thereof, for raising of Twenty five Moneths Cess, extending to Eighteen Hundred Thousand pounds *Scots*. to His Majesty, in Five years space, being Five Moneths cess yearly, to be payed at two terms in the year, beginning the first term at Martimess, 1678, Act of Convention 10. *July*, 1678. *pag.* 615. See *Supplie.*

CONVOCATION Un-lawfull, See Leagues.

That none presume to convocat, conveen, or assemble themselves, for holding of councils, conventions, or assemblies, to treat, consult, and determine, in any matter of State, civill, or Ecclesiastick, except in the ordinarie Judgements, without the Kings command, or expres Licence, under the pain of un-lawfull convocaion, Ja. 6. p. 8. c. 131. *circa finem*, pag: 478. the Act is, *Discharging all Jurisdictions*, &c, Revived and Ratified, and that to explain this Act so as not to extend to conventions, *&c.* Holden for preservatio of the King, Religion, and Laws, and good of the Kirk and Kingdom, is a false and disloyal Glos, Car. 2. p. 1. Sess. 1. c. 4. *in fine*, pag. 137. The Act is, *All asserting His Majesties Royal Prerogative in making of Leagues, &c.*

CON-

CORNES, See Victual.

That wilful Destroyers, and cutters of growand cornes, be punished to the death as Theives, Ja. 6. p. 11. c. 83. pag. 576.

COVENANT, See Leagues.

The National Covenant as sworn, and explained, in the year 1638. And the Solemn League and Covenant, declared null, and void, Car: 2. p. 1. Sess. 2. c. 2. pag. 289 The Act is, *For preservation of His Majesties Person, Authority and Government.*

COUNCILL.

Who Invades, or Persew any of his Highness Session, Secret Councel, or Officiars, it being verified, and tried, that the same was done for doing of the Kings Service, shall be punished to death, Ja: 6: p: 16: c: 4. *pag.* 766:

Commission to the council for ordering the home bringing of Bullion, and discharging the transporting of Gold, Silver, and forbidden gudes under such pains as they shall think fit. *Ibid:* c: 9: *pag:* 770:

Act Ratifying the commission given by King *James* the 6th, *April* 1603. To the Lords of council: To receive resignation of Lands holden off his Majesty, and give Infeftments thereupon, together with the saids Infeftments; as also all confirmations granted by His Majestie's ordinary Officiares, declaring the same passing His Majestie's cashet, and other Registers, and Seal sto be as valide, as if they had past under *His* Majestie's own hand, *Ja.* 6. p. 20. c. 14. *pag.* 850.

The Kings Council impowered to appoint prices for Writs omitted in the Act of Parliament made thereanent, Ja: 6: p: 23: c: 19: *in fine, pag:* 998:

As also to set down and impose penalties for Justices of Peace, not keeping their meetings, as also to amplifie, and enlarge the power of the saids Justices as they shall see cause, Car: 1, p: 1: c. 25: *pag:* 69.

As also to set prices to ale, Drinking Beir, and Bread, Car: 2: p: 2: Sess: 1: c: 15: *pag:* 407:

As also to lay on moderat customes, at Bridges, causies, and Ferries for repairing, and upholding the same, in case the stent appointed by the Act be not sufficient, C: 2: p: 2: Sess: 1: c: 16: *pag:* 409 See it in *Wayes.*

COURTS.

That all men come to Courts in ſober manner, with no more than are in his daily houſhold, and that they lay by their Weapons, and Shirreffs put perſons at feede under Lawborrows, Jam. 2. p: 14: cap: 82: pag: 83: Ratified, Jam: 3: p: 14: c: 104: pag: 135: and Jam: 6: p: 8: cap: 140: pag: 489:

That no man ride to Courts with more Perſons, then they may ſuſtain in houſhold daily, except the Kings Officiars in the Execution of Juſtice, or for forth-bearing of the Kings authority, Jam. 5: p: 4: c: 28: pag: 212:

In what manner perſons ſhould compear in Criminal cauſes, Q. M: p: 6: cap: 41: pag 297: See it in *Crimes*, and both this Act with the former, Ja: 2: p: 14: c: 82: Ratified under the pain of unlawful Convocation, aſwell againſt theſe convocat, as the Convocater, Jam. 6: p: 8: c: 140: pag: 489.

That all Judges fence and keep their Courts, at the hour of cauſe, which is declared to be eleven hours before noon, Ja: 6: p: 11: c: 87: pag: 577.

COURTS of GUERRA.

That no Courts of Guerra be holden, by no manner of perſon, under the pain of Slaughter, Reiff, and Uſurpation on the Kings Lieges, and his Authority, Jam: 3: p: 8: c: 69: pag: 119.

HEAD-COURTS.

That Free-holders compear at the three Head-courts, Jam: 1: par: 9: cap: 130: pag: 40. See it in *Free-holders*.

That all Sheriffs, Stewarts, and Bailies, hold their Three Head-courts by themſelves, in proper perſon, and that all Free-holders give Suit, and preſence, if they owe the ſame, or ſend ſufficient Suiters, if they owe but Suit, Jam: 5: p: 6: c: 71: pag: 231.

CRAFTS, and CRAFTS-MEN, or WORK-MEN.

That ilk Craft have a Deacon. to be choſen by the Craft, with conſent of the Officiar, of the Town, for governing and eſſaying all works, before the Crafts-

men

men of that Craft, Jam: 1. p: 2: c: 39: pag: 9.

That thir Deacons stand till the next Parliament, but have no correction of the Craft, but allennerly essay their work, Ja: 1: p: 5: c: 77: pag: 21.

That the Aldermen, and the Council of ilk Burgh upon Oath prize the matter and travel of Work-men, and made-work, and make the price known to all, Ibid: cap: 78: And that they ordain Work-mens-fies. Ibid. cap. 79. both thir in page 22:

That no Work-man take more work in hand nor he may fulfill, under the pain of the value to the King, beside the fulfilling to the party, and that where a Workman lets to fulfill his work, another if Free of other Mens work, refuse not for just Fie, otherwayes to be punished at the Kings will; Ibid cap: 80: pag: 22: The Act is, *Of Wrights and Masons.* and Ja: 5: p: 7: c: 111: pag. 252.

Deacons of Crafts discharged, and the former Acts, appointing them revoked, Jam: 1: p: 6: c: 86. pag. 24.

That Councils in Burghs choise a Warden of every Craft, with Assistants to prize the matter, and Workmanship of ilk Craft, and punish the Offenders, and that in Shires, Barrons gar prize in their Barronies, and punish accordingly, Ja: 1: p: 7: c: 102: pag: 31: See *Prices.*

That there be in ilk Burgh a Deacon of the Goldsmiths to mark made-work, and his fie a pennie of the ounce, Jam: 2: par: 14: cap: 65: pag: 77: and Jam: 3: p: 13: cap. 96. pag. 130.

That no Crafts-men, nor Cordoners take custom from such of their own Craft: as come to the weekly Mercat, other then was wont by old Law, under the pain of buying his Life therefore, as for common Oppression, Iam. 4. par. 4. cap. 42. pag 166.

That all Deacons of Crafts ceale for one year, and have no other power, but to examine the fines of the Stuff, and Work. *Item*, that all makers, and users of the statutes, (that wages be payed for Holy-dayes, aswell as for Work-dayes, and that no Crafts-men end the work begun by another,) be punished as Oppressors, Ibid c. 43. pag. 167.

Who have biggings, and reparation, either to Burgh or to Land, may choise Crafts-men, free or un-free at their pleasure, and where he that begins delays to end the work, others may be taken in his place, and that no Crafts-man make Impediment thereto, under the pain of Tinsel of his Freedom, Ia: 5. p. 7. c. 111: pag. 252. Ratified, Ia. 6. par. 19 cap. 4. pag. 822.

That there be no Deacons of Crafts, but a Visitor of every

Sta-

Craft, choſen yearly by the Proveſt, Baillies, and Council of the Burgh, to viſie the Craft leilly upon Oath, but without any power to gather, or conveen the Craft, and this Viſitour, to have vote in choiſing of the Officiares, and otherwiſe as Deacons had. *Item*, that no Craftſ-man bruik Office within burgh, except two of them to be choſen yearly on the Council, and on the auditing of the compts of the Common gude, and the breaker of this Act, to be puniſhed by wairding for a year, Tinſel of Freedom, and the eſcheat of a third of their moveables, Q. M. Par. 6. cap. 52. *pag* 302.

CREDITOR.

That no deed made by a rebell un-relaxed, be valid againſt a Creditor. *Item.* that no gift of Eſcheat, Aſſignation, or other right thereto, alledged made in defraud of the Creditor, and in favours of the Rebell, be valiable, if it be inſtantly verified by writ, that the Rebell is ſtill at the horn for the ſame cauſe, and that it be a good exception againſt any pretending title by Aſſignation, or gift of the Rebels eſcheat, that he, his Wife, Bairns, or Freinds, remain in poſſeſſion to his behoove, Ja. 6. p. 12. c. 147. *pag*, 637: See *fraudful Alienations*, *Bankrupt*, *Debitor and Creditor*, *and Eſcheat. The Act is Anent the eſcheat of Rebels.*

CRIMES, and CRIMINAL Proceſs.

Crimes may be perſewed by the Sherriffs in the Kings name, if no follower Appear, Ja. 1. p. 13. c. 140, *pag.* 44. and Ja. 6. p. 11. c. 77. *pag.* 571. And that the Law for ſeven years (fra the year 1434.) be holden where the treſpaſs was done, without deferring to Regalities, or Burrowes therein, Ja. 1. p. 14. cap. 148. *pag.* 46.

That in Criminal Perſuits the Letters be ſubſcribed by the Writter, and Juſtice Clerk, and his Deputes, and that the Juſtice Clerk take ſovertie for reporting the ſame, under the pains contained in the Letters, *Item*, if the Deſender in mutilation be aſſoilzied, or a multitude called for any crime, and be found innocent, the Perſewer ſhall be in an un-law of *Ten pounds*, leſs or more to the Defender, and pay the expences of the Aſſiſours, at the diſcretion of the Juſtice, and who hes not in gudes, may be puniſhed Corporally: Jam.

5. par.

5. par. 4. cap. 35. *pag.* 215. *Item*, the accused being found innocent, that their expences be modified by the Justice, Justice Clerk, and their Deputes, beside the foresaid pains for such as are acquit, or past from, Ja. 6. p. 11. c: 88. *pag.* 577.

In Criminal causes the Prosewer may compear with four, and the Defender with Six of his Friends, and no more, otherwise the Justice may charge the Breakers to enter their Persons in waird, there to remain during the Queens pleasure, under the pain of Rebellion. And if they disobey, put them to the horn, Q. M. p. 6: c: 41: *pag.* 297.

That no Criminal Letters be direct against complices in general, but against special Persons complained upon: And that no Officiar presume to charge Complices given in Bill. *Item*, that he summond no more Persons without special warrant, to be Assissours, then Fourtie five, given him by the Persewer, in a Roll subscribed be him, or ane Notar for him; Which Roll shall be annexed to his execution unaltered, and that under the pain of *Five hundred merks*, and Deprivation and his Person to be in the Kings will, Ja. 6. p. 6. c. 76. *pag.* 425. *circa finem.* The Act is, *For the Remeed of the Fraud and Disorder used by Officers of Armes, &c.*

That no Officers summond more Persons on Assises, but as above, nor put out, nor put in the saids Rolls, for gratitude or good deed, under the pain to be punished as an Oppressor to Death, Ja. 6. p. 11. c. 89. *pag.* 577. But now the Roll of the Assisours is appointed to be Signed by the Judges, Car. 2. par. 2. Sess. 3. c. 16. Concerning the Justice Court, ¶3. *pag.* 492. That the unjust Persewer in Criminal persuits, if the Persons be acquit, and within the number of Ten, pay *Ten pounds*, and if more, *Twenty pounds*; and that doom be given therefore, and the Party keept in ward, untill he make payment, and if the Kings Advocat be only persewer, that his Informer be lyable, and Letters of Horning and poynding therefore summarly direct on the Act of Adjournal. *Item*, that the Justice Clerk, and his Deputes, take soverty at the giving of Criminal Letters, for the reporting of them dulie execut, and that the raiser shall insist, under the pains contained in the Act of Parliament, Ja. 6. p. 6. c. 78. *pag.* 426. See *the pains* in *Pains*. Capital crimes are reckoned, Treason, Slaughter, Mutilation, Adultery, Incest, Theift, Common Oppression, Usury, Perjury, and Falshood, Jam. 6. par. 8. cap. 132. *pag.* 479. *in fine*; The Act is, The causes

causes and manner of deprivation of Ministers.

That the soverty to be found in Criminal pursuits by the Pursuer to report, &c. and the Defender to compear, be found by them also for their compearing in sober manner, with the numbers prescribed, Q. M. p. 6. cap. 41. *pag.* 297. Reckoning their Proloquutors, otherwayes the pains to be incurred by the pursuer, and the defender to be adjudged absent and fugitive. *Item*, That the Justice and his Deputes make record of the persons present in Court, contrary to the said Act, and cause denounce them. *Item*, That in the premisses Denounciation made at the Mercat cross of the head Burgh where the Justice Court sits, and Registration in the Journal Books shall be as sufficient as Denounciation and Registration in the Shire where the Rebells dwells, Ja. 6. p. 8. cap. 140. *in medio. pag.* 489.

The Thesaurer and Advocat may pursue all crimes, albeit the parties should be silent, or agree, Ja. 6. p. 11. c. 77. pag. 571.

That all Criminal Libells, Libell *Art* and *Part*, which part of the Libell shall be relevant against all exceptions, Ja. 6. p. 12. cap. 153. pag. 644.

That in all Criminal pursuits, the Defender, or his Advocats be the last speakers, except in cases of Treason and Rebellion against the King. *Item*, That the Defender have the list of Witnesses to be made use of against him, given him with the Libell, and the Pursuer in like manner such as the Defender intends to use for Exculpation with the Summonds thereof, Car. 2. p. 2. Sess. 3. cap. 16. concerning the Justice Court. ¶ 10. and 11. pag. 493. See *Justices*.

CROWNER.

The Crowner shall arrest as well before as after the cry of the Justice Air, but only such as shall be given to him in portuous by the Justice Clerk, and none other Ja. 1. p. 13. cap. 139. pag. 44.

That the Crowner receiving his portuous and traists, if there be any person therein that he dares not arrest, that he go to the Barron or Shirreff, and if they refuse to be soverty for the persons dwelling within their respective bounds, that they assist and fortifie him for arresting the laids persons, under the pain of *ten pounds*, to be payed by them to the King, Ja. 3. p. 14. c. 99 *pag.* 132.

That the Crowner do not intromet with the goods of men convict, but by the Sheriffs warrand, under the pain

pain of Reiff, and that the Sheriff give the Crowner no more then his due, *Ibid.* cap. 102. pag. 134.

That the Crowner should have of the goods of persons convict, the dauntoned *Horse* depute to work, and not to the Sadle, never shod, nor used to shoone, *Ibid.* cap. 113. pag. 141.

That the Crowner arresting persons at their dwelling places, and Paroch Kirks, take soverty of them, and arrest their goods untill the said soverty be found, or else Waird the persons, or deliver them to the Sheriff, Ja. 5. p. 3. c. 5. pag: 200.

If the Crowner cannot apprehend personally, it is enough that he wairn the Person to be arrested at his dwelling place, and make publick intimation at the Paroch Kirk next Sunday thereafter, which shal be an sufficient arrestment, the Crowner proving it by his own and one Witness Oath, Ja. 5. p. 4. c. 34. pag. 215.

CRUVES *and* ZAIRES.

That all Cruves and Zaires set in fresh Waters where the Sea flows and ebbs, be destroyed, under the pain of an *hundred shillings*, and that they that have them in fresh waters, where the Sea flows not, keep the *Saturdayes* slop, and suffer them not to stand in forbidden time, under the said pain; and that ilk Heck of the saids Cruves be three inches wide, Ja. 1. p. 1. c. 11. *pag.* 3.

Ratified with this addition, that the mid-stream in fresh Waters be left free by the space of sex foot, under the pains of *five pounds*, Ja. 3. p. 10 c. 73. pag. 121.

Again Ratified, but the mid-stream ordered to be left free be the space of five foot; that ilk Heck of Cruves be five inches wide, (but three inches is found by the Lords to be the just measure) And that Shireffs, Stewarts, &c. execut the Act anent Cruves, under the pain of *twenty pounds*, Ja. 4. p. 2. c. 15. *pag.* 153. and Ja. 5. p. 4. c. 16. pag 206. And the halders of Cruves against the Laws to be punished as slayers of Red-fish, Salmond, and Smolts, *Ibid.* c. 17. pag. *Ibid.* See *Salmond.*

The Act, Ja 4. p. 2. c. 15. Ratified: And further, that all Landed Gentlemen put the Acts for putting down of Cruves to execution within their bounds under the pain of an *hundred pounds*; and if they fail, that Sherriffs and Baillies do it under the like pain, Q. M. p. 9. c. 61. pag. 318.

Ratified, and Sherriffs, Stewarts, Baillies, Lords of Regality, and Magistrats of Burghs next adjacent, are impowered to cast and hold down the saids Cruves,

and

and to convocat the Leiges for that effect, Jam. 6. p. 1. c. 89. pag. 432.

A Commission given to certain Judges within their respective bounds thorow the Kingdom, granted for this end, without prejudice to such as are duely Infeft, and in possession of holding of Cruves, Lines, and Caupes within fresh waters providing they keep the *Saturdayes* slop, and due wideness of the *Hecks*, Jam: 6: p: 7: c. 111. *circa finem*, pag. 456. No mention here of keeping the mid-stream free.

CUNNINGARS and *CUNNINGS.*

Destroying of Cunningars and Cunnings a point of dittay, *Ia.* 1. p. 2. c. 33. pag. 8. and Ia. 2. p. 14. c. 88. pag. 85. See *Theift.*

That no man take Cunnings out of anothers Cunningairs under the pain of dittay and theift, Ia. 3. p. 7. c. 60: pag: 115: Q. M. p. 6. c. 58. pag: 306.

Ratified, with augmentation of the pains pecunial, to *ten, twenty*, and *fourty pounds*, or corporal, of Prison, Stocks, and death, for the first, second, and third fault; Ja: 6: p: 6: c: 84. pag: 428. See *Theift.*

CUINZIE, *See Bullion* and *Money.*

The Cuinzieour not observing the Standard of the Groat, tines life and goods, Ja. 4: p: 2: c: 17: *circa finem*, pag: 155.

CURATORS, *See Minors* and *Tutors.*

That a Minor desiring Curators, come before his Judge ordinary, and take out an Edict to wairn two at least of the most honest of the Minors Kin personally, or at their dwelling places, and all others having interest generally at the Mercat Cross of the Shire where the Minor hath his Lands or Goods, upon nine dayes wairning, to hear the Curators desired given unto his perfect age of twenty one years compleat, and caution found *de fideli:* And Curators being thus given, no other to be chosen, nor they to be removed, but by order of Judgement, Q. M. par. 6. cap. 35. pag. 293.

That the neareft Agnats and Kinsmen of natural Fools,

Idiots

Idiots, and Furious Persons be served, received, and preferred, according to the disposition of the common Law, to their Tutory and Curatory, Ia. 6. p. 10. c. 18. pag. 512.

That Curators ought to make Inventary of the Minors estate and means, Car. 2. p. 2. Sess. 3. c. 2. p. 447. See the Act in *Tutors*:

CURSING, & CURSED PERSONS,

See Excommunication.

That Caption be given against cursed Persons, and if they flie, that their goods be distrenzied; and if they have no goods, that they be put to the Horn; And this to endure untill the next Parliament, Ja. 2. p. 6. c. 12. *pag.* 54. That beside Letters of Caption that may be given after fourty dayes against Persons cursed, Letters of Poynding and Appriſſing be also direct against them for payment of the debt, or Letters of four forms for doing of the deed, the ground of the sentence of cursing Ja. 5. p. 4. c. 9. ¶ 2. *pag.* 202.

Addition to this Act in case of Appellations, (now in desuetude) *ibid.* cap. 36. pag. 216.

That Persons cursed lying in that state year and day, or receiving Sacrament therein, unreconciled, tine all their moveables as escheat to the Queen, with preferrence to the Creditor at whose instance they are denounced cursed, Q. *M.* p. 4. cap. 7. pag. 267. *See Excommunication.*

CUSTOMES.

Great and small Customes, with the Burrow Maills are to abide with the King to his living. Ja. 1. p. 1. c. 2. pag. 3.

That of Nolt, Horse and Sheep had out of the Realm be payed for Custome twelve pennies *per* pound of the value; And of ilk thousand fresh Herrings sold, a penny by the Seller; And of ilk Last of Herring taken by Scots-men, and barrelled, *four shillings*; and if by Strangers, *six shilling*; And of ilk thousand Red-herring made in the Realm *four pennies* Ia 1. p. 1. c. 21. p. 5.

Customes of Mertrick and other skins had forth of the Realm, for the Mertrick, *two shillings per* piece, for the hundred cunning skins twelve *pennies*, &c. *ibid.* cap. 22. pag. 6.

Custom of ilk pounds worth of Woollen Cloath had out of the Realm *two shillings*, of ilk pounds worth of Salmond bought and had out by Strangers, *thirty pennies*: And of ilk pounds worth of *English* Goods brought in, *thirty pennies*, Ja. 1. p: 2: c: 40. pag: 10:

They that have out of the Realm Merchandice not paying the Custome, either Gold or Silver, to be banished without doom, but prejudice of other pains, Ja: 1: p: 7: c: 100: pag: 30:

That Customers take no more Custome nor is due, under the pain of Oppression, Ja. 4: p: 4: c: 46. pag: 168. Act Ratifying former Acts about the Customs, and that a Custome Roll be made, and the Sack of Wooll to contain but twenty four stone, and the hundred skins six score, and the dozen of Cloath twelve ells allennerly, Ja. 6. par: 7: cap: 108. pag: 452.

The taking of unlawful Customs discharged, under the pains of oppression, and that no Custome be taken, but according to our old Laws and Acts of Parliament, and whereupon the up-takers have special warrand, at least have been in possession past memory of man, Ja: 6: p: 11: c: 54: pag: 561:

That Customers and Searchers committing fraud, in suffering forbidden goods to be transported, tine their moveables, and that their persons be in the Kings will, *Ibid*: c: 90: pag: 578:

Item, That they compear yearly in Exchequer, and make faith that they have done their duty truly; and if they be found guilty of suffering forbidden or uncustomed goods to be transported, that they be deprived, and tine their moveables, Ja: 6: p: 13: c: 172: pag. 661. The Act is, The pain of Wrongous Customers.

That all Packs of *English* Cloath be brought whole unbroken up to the Custome-house, and that no *English* Goods be concealed, in defraud of the Custome, under pain of confiscation if found, and of the avail if not found. *Item*, Customers are impowered to search Buiths and Houses, and confiscat, and intromet with all *English* Goods uncustomed, or *English* cloaths unsealed; and if need be is, to make Doors and other lockfast Looms open, and that the resisters be punished as deforcers. *Item*. That Magistrats of Burghs give concurrence when required, Ja: 6. p: 12: c: 131: pag: 627. The Assise Herring are a part of the Kings customs, Ja: 6: p: 15: c: 241: pag: 720

That all cloath and other Merchandise whatsoever brought from Forraign parts, pay custome at the arri-

val,

val, at the rate of twelve pennies *per* pound of the value; and that therefore an A, B, C. be made of these Wares, and their prices; as also, of such Goods transported as are not in the A, B, C. thereof already made; But prejudice to Noble-men, Barrons, and Free holders, of their priviledge of sending their Goods out-ward, and bringing home Wines, cloath, and other Furnishing for their own use, *Ibid:* c: 25: *circa medium*, pag: 730: See the Act, Ja: 6: p: 12. cap: 154: pag. 644, in *Burgh.*

That the forbidden goods after-mentioned, it licenced to be transported, pay custome as follows: The stone of Woll *five shillings*, the dozen of ells of Linnen cloath *four shillings*, and each Boll of Victual *five shillings*, any each pounds worth of forbidden *English* Ware licenced to be imported, *twelve pennies*, Jam. 6: par. 15. cap: 258. pag: 733:

That none import or export uncustomed goods, under pain of escheat of their Moveables, the uncustomed goods to be medled with by the Comptroller, the rest by the Thesaurer: And Licences not passed in Council, and through the whole Seals, and componed, are declared null, Ja: 6: p: 16: c: 15 pag: 772.

That each Web, Peece, or Steik of cloath, Silk, or Stuff imported, be sealed by the Customers before it be presented to Mercat, under the pain of escheat thereof: And they are impowered to require and take the Oaths of Merchants anent what goods they had then uncustomed, and to Seal these with their other goods already Customed, Ja: 6: p. 16: c. 24. *circa medium*. pag. 783. That the Customers keep a Book, and take notice of all goods exported, or imported to and from *England*, to be sent twice a year to the Customers of *England*, upon the like performance from them, and they send returns for discharging of Bonds mutually to one another, Ja 6. par. 18. cap. 6: ¶ 1: pag 806. See the rest of the Act in *England*.

Acts discharging all Customs and Impositions not allowed by Acts of Parliament, especially the late two and an half *per cent*, and *four pounds* on the Tun of Wine, and all raising of Customs without consent of Parliament: As also, the taking of Merchants, Masters, or Mariners Oaths, in matters of Customs. *Item*, That all goods imported, and again exported, paying inward Custome, be free of out-ward, as the use is in *England* Item, Upon consent of the Burrows, a Commission is ordered to be drawn to the Exchequer to establish the Books of Rates, as the price of Merchandice now rules, Car. 2. p. 1. Sess. 1. c. 57. pag. 258.

Act concerning the customs and Excise, and how the not payers of the customs may be proceeded against, and put to their Oath, notwithstanding any former Acts. Car. 2. p. 2. Sess. 1. cap. 12. pag. 395. See the Act in *Excise*.

Customs augmented on Tarr and Iron imported, *ibid.* cap. 14. *circa finem.* pag: 407: The Act is, concerning the exportations of Corns.

Customs of Brandy imported, *eight pounds per* Tun, and of Mum bear *twenty shillings per* Barrel, the Barrel not exceeding twelve Gallons, Car. 2: Par: 2: Sess. 4: cap: 2: *pag:* 519:

D

DAMAGE. See *Expence.*

DEACON. See Craft,

DEAN of GILLD, See Gild.

DEERE. See Wilde Beasts.

DEBITOR and CREDITOR.

Discharge of personal execution for six years after *Whitsunday*, 1661. For all debts exceeding a *thousand pounds* contracted before *Whitsunday*, 1658. In manner provided in the Act. But in case a Debitor have voluntarly renounced the benefit of any Act of this nature, made or to be made, the same is declared to be of force, and effectual. As also, that the Laws, as to all Debts and payments, shall be observed inviolably hereafter, Car. 2. par. 1. Sess. 1. c: 62: ¶ 1. & 15: pag: 268: & 275. The rest of this Act is in *Comprising* and *Wodsets.*

DEBT PUBLICK.

Act discharging such as during the late troubles, gave Bonds for sums imployed for the use of the Publick, and their Airs and Executors, with the saids Bonds themselves, and all that hath followed, or may follow thereupon *simpliciter*, providing the persons claiming the benefit hereof take the *Test*: That is, the principal Debitor for himself and his cautioners, or if he do not, each cautioner for his own part: Dispensing with the Airs and Executors of the late Duke of *Rothes*, And also, dispensing with the Airs and Executors of the Earls of *Cassils* & *Lothian* for debts contracted in the year 1650. for his Majesties use, Car. 2. p: 3: c: 26. pag. 564.

DECLARATION.

Act for signing the Declaration therein set down, by all in publick Trust, at, or before their admission thereto: under the pain, that if they enter or exerce without doing the same, they shall be punished as Usurpers of his Majesties Authority, and their places disposed upon to others, Car. 2. p. 1. Sess. 2. c. 5. *pag.* 295. The same again enjoyned, with the method how, and when the same is to be signed by all in present Trust; and such as refuse, when elected to be Magistrats, clerks, or of the Council of Burghs, to sign this Declaration. do also farther amit their liberty as Burgesses, *ibid.* Sess. 3. c. 3. *pag* 316: See *Test.* Car. 2 p. 3. c. 6. *pag.* 534. and cap. 25. *pag.* 563.

DECLINATOUR.

The Act Ja. 6. p. 16. c. 216. *pag.* 699. That no Lord of the Session sit or vote in the causes of their Father, Brother, and Son, extended to the like degrees in Affinity, to wit, Father, Brother, and Son in Law. As also, that they do not sit or vote where they are Uncle, or Nephew to either Party. And this Act extended to the Lords of Council, Exchequer, and Justiciary, and all other Judges, who may be declined, when related in the degrees foresaid, Car 2. p. 3. c. 13. *pag.* 549.

DECREET.

That on all Decreets given by the Lords of Session, or other Decreets whereunto their Authority is interponed, Letters as well of Horning as Poynding be direct, whether the Decreet be given for a liquid sum, or that the Execution consist *in facto*: And that no Suspension be granted, except real offer be made, and refused, and upon Consignation, consideration alwayes had of the dayes of the Charge, distance of the party, and quantity of the Sums, Ja. 6. p. 8. c. 139. §. 2. *pag.* 488.

DEFENCE of the Realm, *See Host and Weapon-shawing.*

DEFENDER.

The Defender not compearing should be Decreeted in

in costs and skaiths to the Party compearing, and *fourty shillings* to the Iudge, Ia. 4. p: 3. c: 30: pag. 160.

Persons accused of Treason or other Crimes, may freely defend themselves by Advocats, Iam: 6. p. 11. c. 38: pag: 547. See *Advocats.*

DEFORCEMENT.

That the Lords proceed sumarly in actions of Deforcement, to put them to a point without intermission, and the Persons convict of Deforcement, to be punished by the escheat of Moveables, and in their persons, at the Kings will, and that their Escheat be burdened with the payment of the debt, the Parties expences highly taxed, and a sum to be modified by the Lords for their damage in the first place, Ia: 6. p: 7. c. 118: pag. 464.

Deforcers of Officiars in executing their Office, may be called Civilly or Criminally, & their lives and goods are in the Kings will, I. 6. p. 11. c. 85 pag. 576.

An Officer or Sheriff in that part, being Deforced, Molested, invaded, or pursued, to the effusion of blood, in the executing of any Summonds, or Decreet by the person summon'd or charged, or any other of their causing, the Deforcer or invader tines all his Moveables, half to the King, half to the Party, and the Execution is declared lawful, Ia. 6. p. 12: c: 152: pag, 643.

DEMEMBRATION.

Demembration by forethought Fellony, punishable by death, Ja. 4. p. 3. c. 28. pag. 159.

DENOUNCIATION. See *Horning.*

DEPONING against DELINQUENTS.

Act declaring it to be the duty of every Subject, without exception, to declare and depone upon Oath, when called by the Privy Council, or any other having authority from His Majesty, their knowledge of any crime against the publick Laws and Peace of the Kingdom, especially of Conventicles and other unlawful Meetings, and of the Persons present, and things done there-

in

in, or of the reletting or intercommuning with Fugitives, and Rebels; and that who refuse, or delay, be punished by fining, imprisonment, or banishment to the Plantations in the *Indies*, or else where, as the Council shall think fit, provided that no mans deposition against another, shall inferr against himself, lose of life, or member, or banishment, *Car:* 2: p: 2: Sess: 2; cap: 2: pag: 427: The Act is, *Act against such who shall refuse to depone against Delinquents.*

DEPREDATION, See *Robberie*, and *Spuilzie.*

DICE, See *CARDES.*

DELAPIDATION.

That Ministers provided to Benefices under Prelacies, make no disposition of the rents thereof, to the prejudice of their Successours, or Diminution of the Rental, under the pain of Deprivation, both from Office, and Benefice, and their Set, and Location, be decerned null, Jam: 6: p: 7: c: 101: pag: 443

That all Persons provided to Bishopricks, and other Benefices, whatsoever at his Highness presentation, find caution to the Clerk at the passing of their Signatures, to leave the same at their Decease, or Dimission unhurt, or vitiat, and all Fews, Tacks, Pensions, changing of Victual into money, or other Disposition in the contrary, are declared null, Ja: 6: p: 10: c: 11: pag: 507:

Ratified, and that no Person provided to a Bishoprick, dispone or give in pension, any part thereof, to indure longer then he shall bruick the said Bishoprick, and if he shall dismember any part thereof, the same to be a deed of Delapidation. *Item*, that no Bishop set in Few, or Tack, or Dispone otherwayes of any part of their Benefice, without consent of their Chapters, or greatest part of them, but no necessity that the Chapter be chapterly conveened for that effect *Item*, that rental be made of their Bishopricks, to remain in their integrity in all time coming, Jam: 6: p: 18: c: 3: pag: 800: See *Bishop.*

Ratified, declaring all Tacks of *Quotes* of Testaments, or other Casualities pertaining to Prelates, to be set in time coming to be null, and that they can only dispone, or set the same during their own life-times allanerly, Jam: 6: p: 22: cap: 5: pag: 887.

DIS-

DISSOLUTION, See *Annexation.*

Act of Dissolution, that His Majesty may set all his Lands annexed, or not, in Few-term, sua that it be without Diminution of his Rental, and other dewties. *Item*, the Dissolution is but for the Kings life, albeit the few set by vertue thereof stand perpetually, Ja. 4. p. 6. c. 90. *pag.* 187.

Act of Dissolution, Jam. 5. sua that it be not in diminition, but in augmentation of the Rental, Ja. 5. p. 7. c: 116. *pag*: 254.

Act of Dissolution, Iam. 6. In order to the seting of Fews, Provyding they be not set within the just avail, which is declared to be the dewtie, to which the Lands are or may be retoured for the new extent. Ia. 6: p: 9: c. 6. *Anno* 1584: *pag*: 501: Rescinded *Anno* 1594: As also all Acts of Dissolution, made by Kings in their Minorities, albeit the same with the Infestments thereon be Ratified in Parliament, in their Majorities, Ia: 6: p: 14: c: 207. *pag*: 693: *circa finem*:

Another Act of Dissolution in order to certain Lands therein expreſt, bearing the ordinary conditions, and the Earldom of *Ross*, and Lordship of *Ardmanoch*, the Patrimony of the Kings second Son, are also contained in this Dissolution, Ia: 6: p: 11: c: 30: ¶ 2: *Anno* 1587: *pag*: 536:

Dissolution of all Annexations of fore-faulted Lands, where the fore-faultures are reduced, *Ibid*: c: 31: ¶ 12: at the marginal note *Bastardrie*, &c *pag*. 540: The Act is, the Kings general revocation. General Dissolution of all Lands pertaining to the crown, & un-annexed, to be set in Few, with augmentation of the Rental, & with preferrence of those that have already Few Infestments thereof, Providing they renew the same betwixt and a day prefixed, Excepting from this Act, the Kings Castles, Palaces, Yeards, Woods, Parks, Forrests, Pastures, and in special the Lowmonds of *Falkland*, coal-heughs, and Offices. Jam. 6. p. 14. c. 208. *pag*. 694.

But the ground of demolished castles, with the bounds, Meadowes, and Loches, thereto belonging, as also his Majestie's coal-heughs are also dissolved, to be set in few with augmentation of the Rental. Ia. 6. p. 16. c. 8 *pag*. 769.

Dissolution of the Lands and Earldom of *Gouric*, especialy of the Lordship of *Huntingtour*, and Lands of *Stra-*

Band, to be set in few for augmentation, *&c.* Declaring certain parts thereof to be dissolved to be set in blench to the Earl of *Montrose*, James 6. p. 18. c. 18: pag. 815. Dissolution of the Lowmonds, and Moors of *Falk-land*, to be set in Few-ferm for augmentation, *&c. Ibid* cap. 19. pag. 816.

Dissolution of the annexed property, to be set in Few-ferm for Augmentation, *&c.* But excepting the Kings Castles, Palaces, Yeards, Woods, Forrests, Parks, Pastures, for Sheep and Nolt, and in special the Lowmonds of *Falk-land*, Coal, heughs, and Offices, and the dissolution to indure *ut supra*, Car. 1. p. 1. cap. 11. pag. 35.

DONATIONS PIOUS.

Gifts *Legacies*, or Donations for Pious uses, may not be inverted from the specifick use destinat be the Disponer, and the Persons intrusted are made compt-able for the same, and ordinary profites thereof, to the Kirks, Colledges, and others to whom they are disponed, or to the Bishop of the Diocie, for their use, and this extended to all such Dispositions made since the Majority of King *James* the Sexth, and that Letters be thereon directed, *Car* 1. p. 1. c. 6. pag. 22.

DOOMES.

The form of falsing of Doomes, and the falser to offer a *Borgh*, assigne a reason, and protest for moe Ja. 1. p. 9. c. 116 pag. 36.

The process of falsing of Dooms now not in use Ja. 4 p. 6. c. 95. pag. 190.

The words to be used in falsing of Doomes changed, *Ibid.* c. 99. pag. 192.

DOWCATS, and DOWES.

Destroyers of Dowcats a part of Dittay, Jam. 1. par. 2. cap. 33. pag. 8. See it in *Theift*.

That no man break, or take, or steal Dowes out of anothers Dowcat, under the pain of Theift, Ja. 3. p. 7. cap. 60. pag. 115. Jam. 4. par. 6. cap. 69. pag. 182 Q. M. par. 6. cap. 58. pag 306. Ratified with an Augmentation of the pains even to death, against such as cannot pay the Fines. Ja. 6. p. 6. cap. 84. pag. 428. The Act is, *Act against Destroyers of Planting*, &c. and Ja. 6. par. 19. cap. 3. pag. 821. See *Theift*.

That Lords and Lairds make Dowcats, *&c.* Ja. 4. p. 6. cap. 74. pag. 183. See it in *Planting, and Policie*.

That no man have liberty to build a Dowcat in Burgh

or in the Country, except he have Lands and Teinds to the value of Ten chalder of Victual yearly, within two miles of the said Dowcat, and he may only build one, and no more, Jam: 6: p: 22: c: 19: pag: 919.

DRUNKENNESS.

That all Persons convict of Drunkenness, or haunting of Taverns, and Ale-houses, after ten of the clock at night, or any time of the day, except the time of travel, or for refreshment, pay for the first fault *Three pounds*, or be put in Jogs, or Jayle six houres; for the second, *Five pounds*, or be put in Jogs, or Jayle Twelve hours; and for the third *Ten pounds*, or Stocks, or Jayle, Twenty four hours; and if they thereafter transgress, to be put in Jayle till they find caution: And all Sherriffs, Stewarts, Provosts, Bailies, Justices of Peace, and Kirk Sessions, are impowered to execut this Act, and apply the pains, *ad pios & necessarios usus*, Jam: 6: p: 22: cap: 20: pag: 919.

Ratification of all Acts against Drunkenness, and farther who drink to excess shall pay, the Noble man *Twenty pounds*, the Barron *Twenty merks*, the Gentleman, Heretor or Burgess *Ten merks*, the Yea-man *Fourty shillings*, and the Servant *Twenty shillings*, *toties quoties*; And the Minister the fifth part of his Stipend, and the Fines to be applyed as in the Act *anent the Justices of Peace*, made this Parliament, and the unable to pay, to be punished in their Persons, *Car*: 2: par: 1: sess: 1: cap: 19: pag: 182: And both these Acts Ratified, *Car*: 2: par: 2: sessi 3: cap: 22: pag: 508: See Acts in *Profanness*.

DUMFERMLING.

Confirmation of the Gift of the Abbacy and Lordship of *Dumfermling*, Lands, Teinds, and Others thereof, lyand on the North side of the water of *Forth*, made by the King to the Queen for her life-time, at *Upslo* in *Norway*, the 24: of *November*, 1589: Jam: 6: p: 13: c: 193: pag: 679:

Another Act concerning the same Gift, calling it the Kings Morning gift to the Queen, but mentioning neither for her life-time, nor yet her Airs, but confirming her Chartor and Seisin thereof, and compensing to her so much as wants of the said Abbacy, ibid cap: 194: pag: 680:

Ra-

Ratification of the Queens Infeftment of the Lordship of *Dumfermling* to her, and the Airs of her bodie, by the King, which failzieing to the King, and his Airs, and Succeſſors, Ja: 6: p: 21: cap: 10: pag: 868: See *Queen.*

E

EDINBURGH,

Order for bigging *Leith-wynd* in *Edinburgh*, and removing the Fleſhers from the Eaſt-ſide of it, Ja: 5: par: 7: c: 102: pag: 248.

That the Meal-Mercat of *Edinburgh* be removed off the High-gate, Ibid cap: 103: pag: 249.

That there be three Bread Mercats openly in *Edinburgh*, where all may ſell Bread, *viz.* on the Monday, Wedneſday, and Fryday, Ibid cap: 121: pag: 256:

As alſo three Fleſh Mercats, on Sunday, Monday, Thurſday, weekly with the ſame liberty, Ibid cap: 122: pag: 256.

Ratification of all Donations, and Mortifications, made by the King ſince his Coronation, or by his Mother in her perfect Age, to the Town of *Edinburgh*, for ſuſtentation of their Miniſters, and entertaining their Hoſpitals, eſpecially of Lands, Annual-rents, and Tennements within the ſame, founded to whatſoever Benefice, great or ſmall, and Lands, or annual-rents without the ſame annexed to any Benefice, or Religious place within it, annexing the premiſſes to the Community of the ſaid Burgh, and diſſolving the general Annexation, and diſcharging the Kings Revocation, in ſo far as they may be prejudicial thereto, Jam. 6: p: 12: cap: 162: pag: 651.

Ratified, and all Gifts given by His Majeſty of the premiſſes to any others ſince the date of the Gift of the ſame granted to the ſaid Town, Revocked, and Reſcinded, Jam. 6. p. 13. c: 188: pag: 673.

That none of whatſoever Eſtate, or Degree, diſobey, or contraveen the charge of the Provoſt, and Bailies of *Edinburgh*, proceeding by immediat command of his Highneis, by vertue of Letters of the Lords of Secret Council, or of the Lords of Seſſion, or by ſtatut of their own Council, or by their own Authority; agreeing with their own Liberty, and not prejudging that of others, or doe violence to them, or their Offi-

ciars in the exeeution of their saids Offices, under the pains of Deforcement, & Sedition. *Item*, full power, & authority is given to them, having first acquainted His Majesty for his allowance, to convocat, & assemble in Arms, raise men of warr on pay, and use Hagbuts, and all other Armours at all times when they shall think expedient. *Item*, if any Person in resisting the saids *Magistrats*, or in the redding of Parties, (Providing it be with long Weapons, and not by shutting Hagbuts or the like) shall be hurt, or slain, the saids Magistrats and the Community of the Burgh, and all their Assisters, are therefore amplie indemnified, Ja. 6. par. 13. c. 187. ¶ 2: pag: 671 The Act is, *Anent Tumults within the Burgh of* Edinburgh, *&c*:

That no Person build in *Edinburgh* in time coming any Houses, except such as shall be covered with Sklait, or Skailie, Lead, Tyle or Thack-stone, and that such Houses as are now thacked with thack or Straw, becoming ruinous, shall be repaired, and covered as aforesaid, and that Letters be direct for this effect, Ja. 6. p. 23. c. 26. pag. 1006.

Act Ratifying the Act of Privy Council 17. of *February*, 1618. That no stacks of Hether, Broom, Whins, or other Fewel, be keept in *Edinburgh* in the Streets, or Houses thereof, after the first of *May*, 1618. under the pain of Tinsel thereof, and *Five Hundred pounds* beside, to be payed by the keepers; but that the same be set at some remote parts of the said *Burgh*, where there are no Houses. *Item*, that Fleshers keep no slaughtering Houses in the said Burgh, nor toome their filth on the streets thereof, but at the *North-Loch side*. And that Candlemakers keep no melting Houses, but at some remote parts of the Town, after the said day, under the said pain of 500. *pounds*, and that the Magistrats take special care to see this Act observed, *Ibid.* cap. 29 pag. 1007.

EGYPTIANS, *See Beggers.*

Act Banishing all the Vagabonds commonlie called Egyptians, forth of the Kingdom for ever, after the first of *August*, 1609, and not to return, under the pain of Death, to be execut upon them as notorious Theives, on tryal to be taken by an Assise, that they are holden, and repute Egyptians, and that none resset them, and all warrands in the contrary are declared void. Jam. 6. par. 20. cap. 13. pag. 850.

EJECTION,

EJECTION, See Removing.

That the Defenders in Ejections, find caution for the violent profites, as in causes of removing, the first dyet of the Litiscontestation, or otherwayes decreet to be given against them, Ja. 6. p. 14. c. 221. *in fine*, pag. 702.

ELL.

That the Ell contain Threttie seven Inches. Ia. 1. p. 4. a. 68. pag. 18.

ENGAGEMENT.

Act approving the Engagement in warr for the Kings releif, in the year 1648. Car. 2. p. 1. Sess. 1. c. 9. pag. 142.

ENGLAND, and *ENGLISH*, See *Borders*.

That no man buy *English* Cloath or gudes from *English* men in *Scotland*, or without, under the pain of escheat, and that no *English* man bring any, except they be specified in his conduct, or in payment of Ransome of *English* men, Iam. 1. p. 13. cap. 145. pag. 45.

That Salmond be neither sent to, nor sold in *England*, but to *English* men buying them in *Scotland*, for *English* gold. *Ibid* cap. 146. pag. 45.

That no Cattel be sold to *English* men in *England*, but for ready Gold, and Silver, under pain of eschet, betwixt the King, and the Wairden, Ia: 2: p: 8: cap. 36: pag: 64:

That no man pass into *England* in time of War, without leave, under pain of Treason, Ia: 2: p: 12: cap: 50: pag: 71:

That any *English* man coming into *Scotland* without conduct, may be made Prisoner, and that no man sit upon special Assurance of any *English* man, without leave of the King, or Warden, under the pain of Treason, and that none supplie *Berwick* or *Roxburgh* under the same pain. *Ibid:* cap: 51: and 52: pag: 71:

That no *English-man* have Benefice in *Scotland*, Ja: 1: p: 1: c: 7: pag: 90.

That no man send, or sell Cattel, Victual, Fish, or Salt, to *England*, Jam: 1: p: 4: c: 20: pag: 207: This Act made, *because of the scarcity then in Scotland.*

Scots men assured by *English men*, if warned to discharge the Assurance, and disobeying, get no restitution of goods spuilzied from them thereafter by *Scots men* un-assured, Q. M: p: 5: cap: 13: pag: 277.

Scots-men spuilzied by both *Scots* and *English* in company, hes gude action of Restitution against the *Scots-men*: Ibid, cap: 24: pag: 678.

An assured *Scots man* tyding with the *English* Armie, may be presewed for all the skaith done to *Scots-men* un-assured, Ibid cap: 15: pag: 278.

That Wool, Skin, Hides, or other staple gudes customable, be not carried to *England*, under the pain of the escheat thereof, or of the value, and the transgressor to be punished in his Person, Q. M: p: 6: c: 45: pag: 300.

That no *Scots-man* marrie an *English-woman*, in the opposite marches, without the Kings licence under the great Seal, under the pain of death, and escheat of moveables, Jam. 6: p: 11: c: 105: pag: 588.

That the Wardens put in Bill all *English men* occupying possessions in *Scotland*, against the Treaties, and seek redress thereof, Ibid. c: 106: pag: 588.

All *English* Cloath or other Wares, and Merchandise of Wool, forbidden to be imported for sale, under the pain of escheat thereof, and of the whole other gudes of the Importers, Ja: 6: p: 15: c: 256: pag: 731.

That all gudes passand by Land, to or from *England*, pass by the ways of *Berwick*, or *Carlisle* allannerly, and with Certificates from the Customers of *Scotland*, and *England*, as effeirs, under pain of confiscation of the gudes, Jam 6: par: 18: cap: 6: ¶ 4: pag: 807.

Commission anent the union of the two Kingdoms, Ja: 6: p: 17: cap: 1: pag: 789.

Act *anent the union of the two Realms*, marked Act 2 of the Index of the not Imprinted Acts, Ja: 6: p: 19: pag: 826.

That Persons committing any offence in *England*, declared by the Law of *Scotland* to be pettie Treason, Murder, Man-slaughter, Felonies, Burning of Houses and Corn, Burglary, Robbing of houses by day, Robbery, Theift, or Rapt, and fleeing into *Scotland*, and there taken, may be remanded by the Judge ordinary after examination of the Fact, to be tryed, and punished, in *England*, Providing alwayes, that in the first Parliament held

held in *England*, after the date of this Act (Twenty third of *October*, 1612.) the like Act be made in favours of *Scotland*, Jam. 6. p. 21. cap 2. pag: 859.

A high Impoſition on all gudes imported from *England*, or of the grouth and Manufacture in *England*, imported from any other place, at the rates ſet down particularly in the Act, and of 30: *per Cent* of all others omitted, and that the Cuſtomers give Oath and Band, with other ſtrict orders thereanent, Car. 2. par. 1. Seſſ. 3. c. 13. pag. 228. This Act was made becauſe of ſome reſtraints the *Engliſh* had laid on *Scots* Commodities.

ERECTION, See *Kirk-lands*.

ERROUR, See *Summonds* of *ERROUR*, and *Preſcription*.

ESCHEAT ſimple, and *LIFE-RENT*, See *Creditor*, and *Horning*.

That the Horning be execute before the eſcheat be diſponed, otherwayes the Gift is null, and that no gift bear, *(or when it ſhall happen the Offender to be denounced,)* Ja: 6: p: 1: cap: 23: pag: 373.

Letters of Horning duely execute being preſented to the Theſaurer, Letters ſhall be raiſed at his inſtance direct to the Sherriff of the Shire, or Meſſengers; for uptaking of the Rebels eſcheat, and the party to be payed of his Debt, and expence out of the firſt and readieſt. *Item*, if the Meſſenger be deforced, that Letters be direct be the Lords Deliverance, to the Sherriff, or others well affected to His Majeſties ſervice, to ſee the former Letters execut really, and with effect, and they are priviledged, as theſe are that perſew the Kings Rebels, Ja: 6: p: 6: c: 75: ¶ 5, & 6: pag: 422: & 423. The Act is, *For puniſhment of Perſons*, &c.

That all Intrometters with eſcheats ſimple or Life-rent, Donatry, Aſſigneyes, or Others, be holden to pay the Debt in the Horning, whereon the eſcheat fell; And that Letters be ſummarly direct againſt them for that effect, Ja: 6: p. 12: cap: 145: pag: 636.

The Theſaurer is bound to diſpone eſcheats, to the behoove of the Parties offended, or otherwayes to reſponſal men upon good caution for his relief of the debt, and if the Donator be found not reſponſal, the gift is declared null, *Ibid.* c. 147. *circa medium*, pag. 638. And that the Creditor cannot be prejudged by any deed

be prejudged by any deed of the Rebel, or by any Gift, or Right of his escheat, given or taken to his behoove, see the same Act in *Creditor*, *and in Rebel*:

Gifts of Escheat, and Life-rent, granted to the *Bairns*, or Conjunct Persons of these who being suspected of Papistry, have been excomunicat, and have retained possession of their Lands, and Gudes, are declared null. Notwithstanding of any Decreet following thereupon, and what ever might have been the cause of the falling of the saids escheat, Iam: 6: par: 14: cap. 200. pag: 690:

Life-rent Tacks of Lands and Teinds, fall not under simple escheat, but the *Life*-rent escheat only, and if the Tacks contain more Life-rents, the *Rebels* Life-rent escheat prejudges only the Rebel, but not his Aire, or Assigney after his deacease, *Iam:* 6: par: 22: c: 15: pag: 913:

ESSOINZIE, or EXCUSE.

The Essoinzeour must shew his power, and find Caution to prove; And that no Essoinzies be admitted, but such as the Law allows: Or if a poor man fall sick, two leill men his nighbours, or his paroch Priest shall swear it, and it shall be admitted, Ia: 1: p: 9. c: 114: pag: 36:

EXCEPTION.

That Exceptions lawful be admitted, and frivolous or fraudulent repelled; and that Pleys be not wrongously prolonged, Ia: 1: p: 3. cap. 55: pag: 14:

Who propones within *Burgh* an Exception proponed before, to the delay of the Party, whether Procurator or Party proponer, should pay *twenty shillings* to the poor, Ia: 6: p. 6. c. 91. *in fine*, pag. 433.

EXCHANGE, Bills thereof.

That Forraign Bills, or Letters of Exchange from, or to this Realm, it case of non-acceptance, or non payment, be Registrable, with the Protests against the Drawer or Accepter, within six moneths after the date of the Bill, or day of payment *respective*, that Execution on sex dayes may pass thereon as on Registrat *Bonds*;

Bonds; and that sums contained in the said Bills, in the cases foresaid, bear Annual-rent after the saids respective dayes, but after sex moneths they cannot be Registrat, but must be pursued by way of ordinary action: As also, reserving to pursue for exchange (if not in the Bill) re-exchange, damage, interest and expences as accords, Car. 2, p. 3. c. 20. pag. 557.

EXCHEQUER.

That all Sheriffs, Stewarts, Chamberlains, Customers, and others Intrometters with the Kings Rents, compear at every Exchequer, and make their Accompts, and full payment Æque with the Rolls, and that they also make compt and payment of Casualities, under the pain of imprisonment, Ia. 5: p: 7. c. 96. pag. 244. Declared be sundry ordinances of Council, that the Kings Compositors should not deny his Confirmation upon the reasonable expence of the Party, and upon his peril, Ia. 6: p. 5. c. 66. *circa medium*, pag. 406. *The Act is, Anent Double Confirmation of Fewes of &c.* See *Confirmation.*

That the Exchequer for the Kings Rents begin the first of *July*, and end the last of *August*: That all lyable in compt be warned by Precept, under the pain of *fourty pounds* to the failzier; and be charged at all times to the end of the Exchequer, to compear, and in case of disobedience, be denounced; and this denounciation at the Mercat Cross of *Edinburgh*, and Registration in the Thesaurers Books, or Sheriffs Books of *Edinburgh*, is declared to be as good as if made at the Cross of the head Burgh of the Shire, and in the Sheriffs Books where the person lives. That for matters betwixt party and party the Exchequer sit every *Thursday* afternoon, during the Session, or at other times when the King pleases, Ia: 6: p: 11: c: 63: pag: 566; Ratified Car: 2: p: 1: Sess, 3: c: 15: pag: 330:

That no Precept or Discharge of the Property be allowed in Exchequer, except it be subscribed and accepted by the Comptroller: And that acquittances be produced upon compt, and nothing allowed *periculo computantis*, either in the Comptrollers, Ia: 6: p: 11: c: 68: pag: 569: or Thesaurer accompt, *Ibid.* c, 78: *pag*: 471: That the Thesaurer exceed not 20000: pounds in an year in his Discharge, otherwayes no *supersedere* to be granted for *super*-expence. *Item*, That interior accompts that should enter in the Thesaurers, be first heard. *Item*, That no

Infeftment be paſt, except preſented by the Theſaurer, that compoſition may be payed to him, *Ibid.* cap. 79. pag. 572. The Exchequer impowered and declared to be proper Judges to cognoſce and decide in all cauſes concerning his Majeſties property, and the Annuity of Teinds; and that they direct Letters on their Decreets on a ſimple Charge of ten dayes on this ſide, and on twenty days by North Dee allennerly, Car. 1. p. 1. c 18. pag. 52. But for explanation of this Act, it is declared that the validity or invalidity of Infeftments of the property, or of any other, may not be diſcuſſed and decided in Exchequer, but is only proper to the Lords of Seſſion, Car. 2. p. 1. Seſſ. 1. c. 59. pag. 261.

Infeftments, Gifts, and others paſt in Exchequer, in the years *One thouſand ſix hundred and fourty nine*, and 1650. Albeit the authority of theſe meetings be declared null, are appointed to ſtand valid, except new Gifts, and other Gifts to his *Majeſties* prejudice, and ſuch as upon complaint to the Exchequer, ſhall be found unjuſtly granted in prejudice of prior Gifts under his Majeſties hand, though not paſſed in Exchequer, Car. 2: p: 1: Seſſ: 1: c: 9: ¶ 2: *in medio paginæ* 146. *The Act is, Act approving the engagement*, 1648, &c.

The Gifts and proceedings of the Commiſſioners of Exchequer under the Engliſh Uſurpers Ratified, excepting new Gifts, Gifts of Baſtardry, and *ultimus hæres*, not of new paſt in Exchequer; As alſo, Gifts and Confirmations paſt in prejudice of theſe who had former Right from his Majeſty, or his Royal Father: And generally, providing that all theſe gifts and proceedings may upon Complaint be reviewed by his Majeſties Exchequer, Car: 2. p. 1. Seſſ. 1. c. 12. ¶ 2. pag. 154. The Act is, *Concerning the Judiciall Proceedings*, &c.

Act regulating the proceedings and matters of Exchequer, Car. 2. p. 2. Seſſ. 3. c. 16. concerning the Exchequer. pag. 494. The Act is, *Concerning the Regulation*, &c.

EXCISE, See *Annuity.*

Act impoſing the Exciſe for raiſing his Majeſties Annuity of *fourty thouſand pounds Sterling, viz. eight thouſand pounds Sterling* thereof by an Exciſe upon the Inland Salt, and Forraign Commodities ſpecified in the Act, and the other 3200. *pound Sterling* by an Exciſe of *two merks* on the *Boll* of Malt, and *three ſhillings* on the Pint of *Aquavitæ* not made of Malt, brewed and ſold in the Kingdom; which ſum is proportioned upon the Shires and Burghs, and what ſhall be in-laik-

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ing in their Excise, to be supplied by the Heretors by way of Cess: And that the Commissioners in every Shire and Burgh, up-lift and be lyable for the saids proportions, in manner as in the Act, Car. 2. sp. 1. Sess. 1. c. 14. pag. 155. But the proportions here set down are again rectified, *Ibid:* Sess: 3. c: 25, pag: 345.

Act regulating the payment of the Excise, as to the Importer and Retailer, and containing several rules and provisions thereanent, specially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Excisable Goods not there set down, that they pay at the rate of five *per cent*, That the Merchant not paying the Excise, he, and all accessory to his concealing or abstracting, may be pursued upon Oath, or any other probation, providing it be within three moneths of the imbezling, and the Delinquent convict, may be imprisoned for twenty four hours, and untill he pay the full value of the goods imbezled, and shall be further finable by the Exchequer. As also, goods not duely entered, and seased, shall be confiscat, and their Owners imprisoned and fined as said is. And the same Statute, as to the not paying of customes, Car. 2. par. 2: Sess. 1. cap: 12. pag: 395.

Act declaring, that if three quarters payment of the Annuity of Excise in the Shires of *Ross, Sutherland, Caithness, Argile, Innernes*, and Burghs thereof, shall run in the fourth unpayed, then the Shire, Burgh, or Person deficient, to be lyable in the double of the whole years Annuity, *toties quoties*, but prejudice of the obligment for single payment on the Commissioners of the saids Shires, conform to the Act, Car: 2: p: 1: Sess, 1: c: 14: above; Car: 2: p: 2: sess: 1: c: 20: pag: 417.

All Salt made in this Kingdom exempted from Excise, and *fourty shillings per* Boll imposed on Forraign Salt, Car: 2: p: 2: Sess: 4: c: 1: pag. 517: See the Act in Salt.

Excise of Brandy *six shillings per* pint, to be payed by the Retailer, and the Excise of Mum-bear, *thirty shillings per* barrel, the barrel not Exceeding twelve gallons and both appointed to be applyed for the relief of the Excise of Shires and Burghs, *Ibid:* cap: 2: pag: 519:

That the Quarterings for the Excise be regulat according to the rules set down for Quartering for the cess in the Act, Car: 2. p: 3: c: 3. pag: 527: The Act is, *Act, for a voluntary Offer, &c.*

The Excise on Forraign commodities, and of *two merks* on the Boll of malt, and *three shillings* on every pint of Aquavitæ not made of Malt, brewed and sold within

within the Kingdom, established by Act. Car. 2. p. 1. Sess. 1. c. 14. above, Continued for five years after his present Majesties decease, but then neither the Commissioners, Heretors, nor Land Rent of the Shires are to be lyable for it, but only the Brewers, Vintners, and Tapsters, Car. 2. p. 3. c. 8. pag. 540.

EXCOMMUNICATION. See *Cursing.*

Persons Excommunicat, after 40. dayes may be charged by Letters of four forms at the instance of the Party, the Kings Advocat, or the Procurator of the Kirk to satisfie the sentence, and reconcile themselves to the Kirk; and if they failzie, are to be denounced, and Caption and other Executorials to pass against them, Ja. 6. p. 3. c. 53. pag. 396.

A person Excommunicat entering the Kirk the time of the Ministration of the Sacraments, or Common Prayers, should be charged in God and the Kings name to remove, and if he refuse, the Minister after the service may cause apprehend and ward him, untill he find Caution at the Ministers and elders sight, to reconcile himself to the Kirk, and make amends for the offence: And if he deforce any in the Execution of the premisses, that his moveables be escheat, and his person in the Kings will, Ja. 6. p. 11. c. 27. *circa medium*, pag. 520. The Act is, *Punishment of Troublers of the Kyrk*, &c.

That no persons Excommunicat for not conforming to the Religion presently professed, directly nor indirectly, possess their Estates; but that the same be medled with to his Majesties use, Ja. 6. p. 20. c. 3. pag. 829.

That the Bishops give up to the Thesaurer and Director of the Chancellary yearly a Roll subscribed with their hands, of all Excommunicat for Religion within their Dioceis; and that the Thesaurer receive no Resignations, nor grant Infeftments, nor the Director direct Brieves, nor Precepts, nor receive Retours in their favours, untill their Relaxation be certified by the Bishop. And all Lords of Regality, and other Superiours may refuse to grant Brieves, or Precepts of *Clare Constat*, or Charters on Appriſſings to the saids Persons, *Ibid.* cap. 4. pag. 830.

Ratification of all the Acts of Parliament or Council preceeding the year 1640. against Excommunicat Persons; and that fourty dayes after sentence Letters be direct by the Lords of Privy Council or Session, at the instance

instance of the Kings Advocat, for denouncing them Rebels: And that the same being done at the Cross of *Edinburgh*, and Peer of Shoar of *Leith*, shall be sufficient for Caption and Escheat, providing that the Process of Excommunication be first exhibit to the Lords of Session, in Session time, to consider the same, Car. 2. p. 1. Sess. 1. c. 25. pag. 186. But this *provisō* is rescinded, Car. 2. p. 1. Sess. 3. c. 23. pag. 342.

EXECUTIONS, or INDORSATIONS. See *Summonds*.

Executions of the Kings Brieves or Letters should be sealed or stamped by the Officar of Fee, or in that Part before witnesses, otherwise make no faith, Jam. 3. p. 5. cap. 32. pag. 103.

That all Executions or Indorsations be stamped, otherwise make no faith, and the Executor to be deprived, Ja. 5. p. 6. c. 74. pag. 232.

That all Copies of Summonds, or Letters delivered to any party, be subscribed by the Officer Executor thereof, Ja 6. p. 12. c. 141. pag. 635.

That Executions at dwelling places where the Party cannot be personally apprehended, be made at the Principal dwelling where the Party actually resides: And if the Officer get entry, that he shew his Letters, and leave a Copy, or affix it on the Gate; and if he get not entry after six knocks, that he affix a Copy on the Gate, and all before famous witnesses, and the Execution to make mention of this order: And if the Officer fail, that he be imprisoned, and punished at will, Ja. 5. par. 6. cap. 75. pag. 232.

Item, That in Criminal Letters, the Copy be delivered to the Party personally, if he can be apprehended, or otherwayes be delivered to his wife or servant, or affixed on the Gate of his dwelling House, and thereafter open Proclamation to be made, and a Copy affixed on the Cross of the head Burgh of the Shire, *Item*, If there be more then two in the Letters all called for one Crime, this order used to two of the Principals shall be sufficient as to the rest, Q. M. p. 6. c. 33. pag. 292.

That all Executions and Wairnings in the Kings Causes against Illes-men, High-land-men or Borderers in broken Countreys, *ubi non patet cursus accessus* be made at the Mercat Crosses of the head Burghs of the next Shire in the Low-land, Ja. 6. p. 11. c. 65. pag. 568.

That

That all Criminal Letters, Letters of Law-borrows, or others Importing tinsell of Life or Goods, be execute upon all persons contained therein, personally, or at their dwelling places, and by open Proclamation at the Mercat crosses of the head Burghs of the Shires where they dwell, betwixt eight and twelve in the Forenoon, in open time of day, before famous Witnesses specially designed, and that Copies containing the whole names be affixed on the Gates of the dwelling houses and Mercat Crosses, under the pain of 200. *merks*, *Ibid.* cap. 86. pag. 576. The Act is, *Letters of Lawborrows should not be granted, &c.* but in the end thereof comprehends *all Criminal Letters, and others*, &c.

That Charges of Treason be execute by Heraulds and Pursevants in their Coats, or by Macers, as of before: Declaring all Executions under the pain of Treason otherwayes execute to be null, Ja. 6. p. 12. c. 127. ¶ 2. page. 623.

That all Executions of Summonds bear expresly the names of the parties Pursuers and Defenders, and that it shall not be sufficient to relate generally to the Summonds, else they shall not be sustained, Car. 2. p. 2. Sess. 3. c. 6. *in fine*, pag: 460.

That the Witnesses in all Executions of Inhibitions and Interdictions, Hornings, or Arrestments, or for Interuption of Prescription in real Rights be designed in the body of the Execution, and also subscribing thereto, Car. 2. p. 3. c. 5. pag. 533. See the Act in *Witness*,

EXECUTORS. See *Testament.*

A sum secured by the Act to the Life-renter upon Land, yet declared payable to her Executor, 2 M. p. 4. c. 10. at the end, pag. 275. The Act is, *The Act made anent the Annuels of Lands burnt, &c.*

Executors Strangers nominat, are oblidged to make compt and payment to the Defuncts Wife, Bairns, and neareſt of Kin, reserving only to them the third of the Defuncts part after deduction of Debts, in which third, any Legacy left them, to be computed without prejudice to them of their Legacies, if they exceed the said third, Ja. 6. p. 22. c. 14. pag. 912.

EXPENCES.

He that tines the Action before the Lords of Councell, should pay the Winners Expences, at the Lords Modification, and *fourty shillings* to be disponed upon by the

the Chancellor, Ja. 3. p. 6. c. 49 pag. 112.

The Expences of pley to be insert in the Decreet condemnator or Absolvitor, Q. M. p. 7. c. 64. pag. 109.

Who tines the pley within Burgh, payes the parties Expences, and *twelve pennies per pound* to the poore, Ja. 6t p. 6. c. 91, pag. 433. See it in *Burgh.*

That the tiner of the pley pay the other Expences, at the Judges modification, Ja. 6 p. 11. c. 43. pag. 552.

That the damage, interest, and expences of Pley made and sustained by the Parties, be admitted and liquidat by the Decreet, whether Absolvitor, or Condemnator, before all Judges, especially where the Writ, the ground of the Action, or the Summonds bears it, Ja. 6. p. 12. c. 144. pag. 636.

F

FACTOR. See *Merchant.*

That no Merchant imploy an Alien as Factor beyond Seas, on the accompt of *Scots* Merchants, under such Pecuniary paines, as the Council of Trade shall impose, half to the King, half to the Informer and Pursuer, Car. 2. par. 1. Sess. 1. cap. 44 *circa finem.* pag. 245. The Act is, *Act for encouraging of Shipping and Navigation.*

FAIRS.

At Fairs the Sheriff should only have the best Ox, or Cow, or un-tidden Horse, stalled and brought to sell: And of great Stalls, or covered Craims, he may take a distress, but he should deliver it again at the Court of the Fair, if the person hath done no default. And that no distress be taken hereafter of Goods of little quantity or price, brought on mens heads or backs, Ja. 2. p. 13. c. 59. pag. 74.

That in Fairs, Parliament times, or General Councils, great Constables of Castles, Sheriffs, or Baillies of Burghs use no extortion, by taking from poor folks for Loads or Burdens, what they call their Fees, under

under the pain to be punished at the Kings will, and deprived for a year, Ja. 3. p. 5. c: 33. pag: 103.

That no Fairs be holden on holy dayes, but on the morn after, *ibid*: c: 34. *in fine*, pag: 103.

FALKLAND WOOD.

Falkland Wood ordained to be cut and hained, as being found by an Assise to be old and failed, Q. M. p. 6. c 48 pag: 301. The *Lowmonds* of *Falkland*. See *Annexed Property*.

FALSHOOD.

That false Notars and Witnesses, or who induces them thereto, or uses false Instruments wittingly, be punished with all rigour, according to the dispositon of the Common Law, Jam. 5: p: 6: c. 80. pag: 235.

This Act extended to all manner of Evidents and Writings, and the Makers, Feinziers, Users, Seducers, Corrupters, and Falsers thereof, and the pain declared to be Proscription, Banishment, Dismembering of the Hand or Tongue, and other pains of the Cannon, or Civil Law, or Statutes of the Realm, Q. M. p: 5: cap: 2a: pag: 282:

That false Witnesses and their Inducers be punished, by piercing their Tongues, escheat of Moveables, and Infamy, and farther at the Judges discretion, Q. M. p. 6: cap: 46: pag: 300.

That Makers or Users of false Writes, or accessory to the making thereof, be punished with the pains of Falsehood, and the Counterfeiter, Falsifier, or Accessory, cannot by passing from the Writ quarrelled, free himself of the punishment, Ja: 6: p: 23: c: 22: pag: 1000.

FEE.

The Sherriff-fee appointed to be *Twelve pennies of the pound*, Jam: 4, par: 3: cap: 30: pag: 160, The Act is, *Of the Defenders not compearand*, &c. See it in *Sherriff*, *Coalliers*, and *Servants-Fees*. See *Coalliers*, and *Justice of Peace*.

FEEDES,

FEEDES, See Peace.

Deadly feede no juſt pretence, to excuſe from not Communicating, Ja: 6: par: 16: c: 17: ¶ 2: pag: 774.

Act and Order for extinguiſhing deadly feeds, and for preſervation thereof in time coming. That the Perſewer do not invade, or bear feede againſt any friend of the Offender innocent, and not accuſed, under the pain of Tinſel of his Action, reſerving the ſame ſtill to the King: And the Friend of the Party guilty, convict, or fugitive, may not bear quarrel therefore, or reſet him, under the pains againſt the reſet of Rebels, and the Eſtates of Parliament ſwear to obſerve the Articles in the Act, and the King ſolemnlie promiſes to grant no reſpite, or remiſſion for odious Crimes, untill theſe inveterate feedes be rooted out, Ja: 6: p: 16: c: 22: pag: 777. Ratified, Ja. 6: p: 20: c: 7: *In medio pagina* 837. The Act is, *Anent the Commiſſioners and Juſtices of Peace.*

FERRIERS.

That all Boat-men, and Ferriers have Treene-bridges for receiving Horſe, under the pain of 40 ſhillings each Boat, Ja: 1: p: 3: c: 59, pag: 15.

That all Ferriers on every ſide the Firth, make Bridges, and Ports in their Boats for eaſie ſhipping of Horſe, under pain of confiſcation of their Boats. Jam: 3: p: 3: c: 20: pag: 96.

The ſame ſtatut, and alſo the quantity of fraught appointed to be payed at *Kinghorn*, *Queens-ferrie*, and *Partincraig*; And that Horſe, or Beaſts, payand fraught, make the Perſons, and Burdens free, Jam. 3: par. 7: cap. 61: pag: 116.

That Ferriers take no more fraught nor is ſtatut, under the pain of *Five pounds Scots* to the King, and to Aſſyth the Party, Ja. 3: p. 10. c. 74. pag. 122. Ratified Jam. 3. p. 13. c. 95. pag. 129. with an augmentation of the pains.

Fraught appointed for Ferriers at *Kinghorn*, *Queensferrie*, and *Dundee*, and that they obſerve the ſame under the pain of death, Q. M. p. 5. cap. 21, pag. 281.

The fraught of *Kinghorn* for Man and Horſe appointed by King *James* 3: *Anno* 1474. was *Six pennies*, and for the Man *Two pennies*, but in higher *Anno* 1551. for

for Horse and Man *Twelve pennies*, and for the Man *Sex pennies*. Q. M. p. 5: c. 21. pag. 281. See *Wages*.

FEW, and FEW-FERM, See Few *cum Maritagio* in Waird.

That the King, Prelates, Barrons, and Free-holders, may set their Lands in few, and the Land wairding to the King, the King shall only have the Few-dewtie, so that the set be made to a competent value, Jam. 2. par. 14. cap. 71. pag. 79.

That all men Spiritual, or Temporal, may set their Lands in few, without diminution of the Rental, and it shall be no ground of recognition, Ja. 4. par. 6. cap. 91. pag. 188.

The Act Jam. 2. explained, and declared not to extend to the Vassals of any Earl, Barron, or Free-holder, holding their *Lands* waird of their saids Superiorirs, for whom it is statut not to be leasom to them, to set, their Lands in few, without the consent, or confirmation of their Superiors, and any Alienation other wayes made, is declared null by way of Action, or exceptions, Ja. 6 par. 13. c. 12. pag. 811.

And this explanation, and statut, extended to the King and Prince, and Vassals holding waird of them, and all former Acts that may any wayes derogat to this Act, are rescinded, Car. 1. p. 1. c. 16. pag. 48.

That all Fewers not pay and their dewtie by the space of two years haill and together, amit and tine their Fewes, as if there were a clause Irritant in their rights. Ja. 6. p. 15. c. 250. pag. 724.

FIRE.

That to prevent fire, no Hemp, Lint, Strae, Hay Hedder, or Broom, be put near, or above the fire, in Houses within Town, and that the Officiars within Town Make trial every Moneth, under the pain of 40. *shillings* to the King, Ja. 1. p. 4. cap. 71. pag 19.

The seller of Hay, and Fodder come not to their Hay-houses without a *Lantern*, under the same pain, *Ibid.* cap. 72. pag. 20.

That Ledders, Sayes, and Cleiks of Iron, be appointed, and keept in Towns for fire, under the same pain; *Ibid.* c. 73: pag. 20.

That after the fire hath hapned, the Magistrats inquire into the cause, and if it be found on purpose deeds, that

that fore-faulture be the punition, and if throw neglect, then if a Servant he shall be punished in his Goods, and person if he have no goods, and Banished for three or seven years, If a man, his Wife, or Bairns, in his own House, or if of a Miuller, both shall repair the skaith of others, and be banished three years; If of a Stranger he shall repair the skaith or abide in prison at the Kings will, if the fire happen throw chance it is unpunished, if the Magistrats neglect the Execution of this Act, that they pay *Ten pounds* to the King: That fire be not fetched from house to house, but in a covered Vessel, and if fire happen in Towns of Barrony, that their Lords punish it is above, *Ibid.* cap 75: pag. 20:

That Burning of folk in their Houses, and all Burning of Houses, and corns, and wilful fire raising be treason, and lese Majestie, Ja: 5: p: 3: c: 8: pag: 201:

That fire Raisers be put under soverty to the Law, as in the crimes of Slaughter, and mutilation, and that there be no remission given to them that burns corns in stacks, or Barns, but that they be punished to the death, or else Banished, Jam: 5. p: 7: c: 118: pag: 255: But it is again statut, that Burning of folk in their Houses, Burning of Houses, and Corns, and wilful fire raising, be treason, and lese Majesty, Ja: 6: p: 1: c: 33: pag: 378.

Wilful fireing of coal-heughs is also Treason, Jam: 6: par: 12: cap: 148: pag: 639: See *Treason*:

FISH, and FISHING.

That for Fishing certain Lords Spiritual, and Temporal and Burrowes, make Ships, Bushes, and Boats, with Nets, and Other pertinents, Jam: 3: par: 6: cap: 48: pag: 112:

That Ships, and Bushes, with all their pertinents for fishing, be made in each Burgh, in number according to the substance of the Burgh, and the least of them to be of Twenty Tun, and that all idle-men be compelled by the Shirreffs in the countrey, and by Baillies in Burgh, to pass therein for their wages under the pain of Banishment out of their bounds, and that the Shertiff or Officiar in Burgh negligent, pay *Twenty pounds* to the King, Jam: 4: par: 4: cap: 49 pag: 169: Ratified, *Ibid:* cap: 52: *in fine*: pag: 173:

The times of Mercat appointed for fish, and that no white Fish be sent out of the Realme, but that Strangers may come and buy them: *Item*, where any Person

hath

hath Fish, packed or picked, that they be ready to sell the same, for the service of the Leiges, under the pain of confiscation of the Fish, Jam. 5: p. 7, c. 98. pag. 245.

That the Barrels of Fish be burnt and marked, *Ibid.* c. 109. pag. 251.

That the Herring and White-Fish Barrel, contain nine Gallons, of the *Sterling* pynt, Ja. 6: p. 4. c. 57. pag: 400. See it in *Salmond.*

That all Fishers of Herring, or White-Fish, upon the Coast, or within the Isles, or Firths, bring the same to free Ports, that the Lieges may be first served, and the rest bought, salted, and transported by free-men, under the pain of Tinsel of the Vessels, and haill other Moveables of the Contraveeners, *Ibid*: cap. 60: pag: 402.

Ratified, and all Judges ordinary impowered for executing thereof within their bounds, Jam. 6: p: 6. cap: 86. pag. 430.

That there be a just Standart for Herring, or White-Fish, keept at *Edinburgh*, and staples are appointed for the said Herring, and White-fish, and that no Fishers sell their *Herring* to Strangers, or Un-free-men, or transport them to other Countries, under the pain of Escheat of their Moveables, Jam. 6. p. 8. cap. 141. pag. 491.

But the staple of Herring and White-fish slain on either side of Forth, appointed to be in *Leith*, and *Carrail* by the said Act is discharged, and full liberty allowed to the whole free Burrowes on either side of the said Water, Jam. 6: par. 10. cap. 14 pag. 509.

That Caution be taken of Ships going to the North-fishing, to return the third part of their loading of Herring, or White-fish within the Firth or other free Burrowes, under the pain of an *Hundred pounds*, Jam: 6: par: 11: cap: 57: pag: 563.

Act for Fishing, and erecting of Companies for improving the Fishing of Herring, and White-fish, setting down their Rules, and *Privilledges*, as in the Act, and that each Barrell of green fish contain Twelve Gallons, Car. 2. p. 1. Sess. 1. cap. 39. pag. 227.

FLESH.

That none carie Flesh forth of the Realm, under pain of escheat of the whole Moveables of both Owner, and Skipper, Q. M: p. 6. c. 40: pag 296.

That for preventing this transport, that Ships be Victualed at the sight of the Magistrates, and Customers of the Burghs and free Ports, where they lye, and

if any more be found, that it be Confiscat, Ja: 6. p: 4 c: 67: pag: 407.

But barrelled Flesh may be exported by Sea free of Custom, Bullion, or other Impositions, for Nineteen years, Car. 2. par. 1. Sess. 3. cap. 12. *in fine Anno* 1663, pag. 327. The Act is, *For encouraging Tillage and Pasturage*.

FOOT-BALL, and GOLF.

That no man play at the Foot-ball, under the pain of *Fifty shillings*, to the Lord of the Land, or to the Sherriff in his neglect, Jam. 1 p. 2. c. 17: pag. 5.

The Foot-ball, and Golf discharged, and that they are not to be used in time coming, Jam. 2. p. 14. cap. 64. pag: 77: Ja. 3. p. 6: c. 44. *in fine*, pag. 110. The Act is, *The length of Spears*, &c. and Ja: 4: p: 3: c: 32: pag: 162. And this last Act appoints men to use shutting, and Archery, in place thereof. See it in *Weapon-shawing*.

FORBIDDEN GOODS to be Exported or Imported.

Goods forbidden to be transported, Linnen Cloath, Lint-seed, made Candle, all Tallow, eating Butter, Barked-hides, or made Shoes, under the pain of Escheat of the Buyers, and Transporters whole Moveables, Jam. 6: par: 4: cap: 59: pag: 402. See *Bestial*, *Cattel*, *Coals*, *Flesh*, *Horse*, *Tallow*, *Wool*, *&c.* in their own places.

Act Ratifying all Acts made against the transporting of forbidden goods, Jam. 6. p. 9. c. 9: pag: 505.

Calf-skins, Hudderons, and Kid-skins, forbidden to be transported, packed, and pieled, under the pain of confiscation thereof, to the King, Jam. 6. par. 12. cap. 158. pag. 647.

Ratified and extended to Schurling-skins, under the same pain, and the Transporters to be farther punished in their Persons, and Goods, at the Kings will, Ja. 6. p. 13. c: 182. pag. 668.

Ratified, and farther, that none export Calf, Kid, Hudderon, or Schurling-skins, or any Goat, Hart, Buck, Deere, or other wild Beasts skins, under the pain of confiscation, reserving to the Exchequer to grant licences, Car. 2. p: 1. Sess. 1. c. 45. pag. 246.

That

That none export, or import forbidden goods, under the pain of eſcheat, the forbidden goods to be intrometted with by the Comptroller, the reſt by the Theſaurer, and that all Licences not granted by the Councel, and componed, and paſt all the Seals be null, Ja: 6: p: 16. c: 15: pag: 772.

That none, Stranger, or other, tranſport forth of the Countrey, Butter, Tallow, or other forbidden goods, under the pain of Confiſcation of the Ship, and whole goods the Owner of the forbidden goods hath therein, Jam: 6: par. 23: cap: 12: ¶ 2: pag: 973. The Act is, *Anent Packing and Peyling.*

That none export, Worſted, Woolen-Yairn, Raw or unwalked Cloaths, or Stuffes, made in *Scotland*, (plaiding excepted) broken Copper, Braſs, or Pewter, under the pain of Confiſcation, half to the King, half to the Apprehender, or Perſewer, *Car.* 2: p: 1: Seſſ. 1: cap: 46: pag: 247.

FORBIDDEN to be Imported.

Made-work diſcharged to be imported by Tradſmen, *Car:* 2: p: 1: Seſſ: 1. c: 47: pag: 247. See it in *Made-work.*

That no *Aquavita*, ſtrong Water, Mum-beir, or other Drinking-beir, (Black or Spruce-beir excepted) Be imported, under pain of eſcheat thereof, *Car:* 2: p: 1: Seſſ: 3: c: 7: *pag.* 321.

But *Brandie*, and *Mum*, or Brimer-beir, *Licenſed* to be imported, *Car.* 2 p. 2. Seſſ. 4. cap. 2. pag. 519. See *Brandie, and Mum-beir.*

Great prohibition of Import, *Car.* 2. par. 3. c. 12. *pag.* 544. The *Act* is, for encouraging of Trade and *Manufacturies.* See the Act in *Trade*, See *Licence.*

FORE-STALLER, and REGRATOUR.

That Fore-ſtallers buying Victual, Fleſh, and other ſtuff, before it be preſented to the Mercat, or in the Mercat before lawful time of day, be puniſhed by Impriſonment, and eſcheating of the goods bought or arled, two thirds to the King, the third to the Diſcoverer, Jam. 5. par. 4. cap. 21. pag. 208. and Jam. 5. par. 7. cap: 98. *in fine*, pag. 246.

That Magiſtrats of Burghs, and none other, puniſh Fore

fore-ſtallers within the ſame, Jam. 5. par. 7. c. 113. pag. 233. And all theſe Acts Ratified, and the ſaids Magiſtrates conſtitut his Higneſs Juſtices for the effect foreſaid, Jam. 6. par. 6. cap. 88. pag. 432.

Who buyes any Merchandice, or Victual coming to Fair, or Mercat, by Land, or Water, or makes any bargain about it before it be in the Mercat-place, Burgh, Port, or Road readie to be ſold, or who makes any motion by word, or writ, for raiſing of prices, or diſſwading the bringing of any thing to the Mercat, he is a Fore-ſtaller: And who gets any Corn, Fleſh, Fiſh, or other Vivers, in any Fair or Mercat, and ſell it again in any Fair, or Mercat in the ſame place or four miles about it, or who buyes, or bargains for growing Corns, he is a Regrator, and the Theſaurer, Kings Advocat, als well as the Magiſtrats of Burrowes, may perſew ſuch, and that without a ſpecial lybell, but only upon Fore-ſtalling in general, and the pains for the firſt fault 40. *pounds*, for the ſecond an *Hundred merks*, and for the third Tinſel of Moveables, Ia. 6 p. 12. c. 150. pag. 641.

FORE-THOUGHT FELLONIE

That all Iudges, and Officiars, whom it effeirs, upon complaint inquire diligently, if the deed was done on fore-thought fellonie, or throw Chaud mella: And if on fore-thought fellonie, that the Party hurt be Aſſythed, and the life and gudes of the Treſpaſſor in the Kings will, and that the Treſpaſſor be incontinent impriſoned, but if the deed was done throw Chaud-mella, it is to be followed after the courſe of the old Laws, Ia. 1. p. 3. c. 51. pag. 13.

If any man bargain, (that is quarrels) either in Burgh, or Land, that whether plaint be made or not, both Parties be arreſted, and the ſame, or next lawful day, Inquiſition be made by an Aſſiſe, whether it be be fore-thought fellonie, or ſuddenlie done; And if ſuddenlie done, that they be demained as the Law treats of before, and if it be fore-thought fellonie, the Party to be impriſoned, and amends made, and the Party puniſhed as law will, Ia. 1. p. 6. c 95. pag. 28.

If ſuch Bargain in Burgh ſhall be called fore-thought fellonie, and the Party eſcape unarreſted, the Shirreff or Lord of Regality, where he is reſet, when certified, ſhall perſew, and ſend him back to abide the Law. *Ibid.* c. 96. pag. 28: And Ia. 3, p. 5. c. 35. pag. 104. See *Garth* and *Slaughter*.

FORE-FAULTURE.

Sentence of Fore-faulture of the Earldom of *March*, and Lordship of *Dumbar*, and of all other Lands, which the Earl of *March* held of the King in Chief, Ja: 1: p: 12: c: 135. pag: 42.

All Alienations by Persons Fore-faulted, or to be Fore-faulted; for the murder of the Kings Father, and of his Regents, made since the committing of the Crimes, are declared null, Jam. 6. par. 2. cap. 36. pag. 380. Extended against Burgesses making defection from the King, and Assisting declared Traitors, *Ibid.* cap. 39. pag. 381.

That all faithful Subjects bruick and joyse their Tennendries, to be holden of their next Superiours, notwithstanding of any Fore-faulture of their immediat Superiors in this Parliament, Providing they do not thereafter make defection from the Kings Authority, Ja. 6. p: 2: c: 37. pag: 380.

Act Ratifying the former Act, Ja. 6. p. 2. c. 37. And declaring it to have been valide from the beginning, Ja: 6: p: 5: c: 64. pag: 405.

That no Process of Fore-faulture for Treason against the King, or his estate be reduced for any pretended nullitie of Process, while first the Crime be freely remitted, or the Party tryed, and acquit; And that no Advocat, Writter, or Others, travail, solist, or advice, in the contrary, without the advice of the King and Parliament, under the pain to be repute partakers with the saids Traitors. *Item*, that the King restore against Fore-faultures, only by way of Grace, Jam. 6. par. 8. cap. 135. pag. 482.

That by Fore-faulture of Persons convict of Treason, the King hath right to all Lands holden of himself: As also to present heretable Tennents in their place, to their other Over-Lords, and likewise to all Tacks, and Possessions, pertaining to them, And therefore, and for preventing the abstracting of Writes, Its ordained, that all Lands, and Heretages, peaceably possest by any Persons Fore-faulted for *lese Majestie*, or by them to whom the Appearand Air Fore-faulted should succeed, for five years before the Sentence, or the decease of the said Appearand Airs Predeceessors, by labouring, setting, and uplifting the mails thereof, as their Heretage, and sua repute Heretable Possessors of the same for the saids five years, shall appertain to the King, and his

his Donator without any question to be moved thereanent, albeit they cannot shew the securities made thereanent to the persons Fore-faulted, or their Predecessors. *Item*, that the said Possession be tryed upon a Commission under the quarter Seal be an Assise of the Shire where the Lands lye, or Others that bests knows the rule, and their verdict to be retoured to the Chancellarie, and to be of als great strength as the Fore-fault Persons Rights to the Lands. *Item*, that the King or his Donator be summarly entered to the Possession, and Tacks of the Rebels, and continue therein unaltered, or hightned for five years, that they may search out the Tacks, and Titles. *Item*, that the Person presented to a few fore-faulted, or any Vassal of a fewer fore-faulted, be not compelled to produce acquittances of few-mails, or Annual-rent out of the fore-faulted Lands of any years preceeding, or since the fore-faulture, they alwayes payand the saids Annual-rents, or Few-dewties in time coming, how soone it shal be verified that the Lands are lyable by the Infestments of the Persons Fore-faulted, Ja. 6. p. 9. c. 2, pag. 495.

Act annulling an Act of the Parliament, first of *June* 1592. in favours of Vassals of Persons Fore-faulted, and ordaining it to be Deleit, Ja. 6: p. 14. c. 204 pag. 692. and accordingly the Act is not now found:

That no Bands, Assignations, Pension, or Factory, granted by Persons Fore-faulted be valide, unless either confirmed by His Majesty, authorized by a decreet before the Persons Fore-faulted were first Summoned, for the Crime. *Ibid.* cap. 205. pag. 692,

Fore-faulture of the Earl of *Gowrie*, and his Estate, annexed to the Crown, Jam. 6. p 16, cap. 2. pag. 760. And the Act Jam. 6. p. 2. c. 37. Ratified in favours of his Vassals, and Tacks-men, and that notwithstanding of the Act. James the 6. parliament 14. cap. 201. They payand to the King and their Other Superiors, *respective*, *Ten pounds* for each Twentie shilling Land, that they held of *Gowrie* betwixt and Whitsonday, 1601. for Composition. *Ibid.* cap. 3, pag, 765.

Ratification of the Forfaultours of the Earl of *Bothwell*, and of the Earl of *Gowry* and his Brother; that no restitution of grace prejudge the Kings Donatour, but be allennerly extended to the rehabilitation of the Person to whom it is granted: And that the Extracts or Dispositions or Confirmations shall be as valide to the Kings Donatour, as if the Principal evidents were extant, which are not to be improven for not production: the Donatour abiding at the verity of the deed, and of its

extract, Ja. 6, p. 18. c. 4. pag. 804.

Act Ratifying the Proceſs and Dooms of Forfaulture led and pronounced againſt certain Perſons named in the Act, for the Rebellion 1666. before and by the Juſtices, albeit the Parties were abſent, Car. 2. p. 2. Seſſ. 1. c. 11. pag. 393. And this precedent is made a rule in time coming, See the Act in *Treaſon.*

FORFAR BURGH.

Act changing the Mercat day of *Forfar* from *Sunday* to *Friday* weekly, Ja. 6, p. 13. c. 195. pag. 686.

FORNICATION.

Fornicators, as well the man as woman, to pay for the firſt fault *fourty pounds* for the ſecond *an hundred merks*, for the third *an hundred pounds*; and ſo forth always *an hundred pounds*, or elſe to be puniſhed corporally, as in the Act, and the ſaids Fines to be applied *ad pios uſus* within the bounds, as the King ſhall order, Ja. 6. p. 1. c. 13, pag. 364.

Fornication made finable by the Juſtice of Peace in *four hundred pounds* the Nobleman, *two hundred pounds* the Baron, *an hundred pounds* the Gentleman and Burgeſſes, and *ten pounds* every inferiour Perſon; and that the pains be doubled *toties quoties*, and levied off the woman as well as the man, and applied as in the Act, Car. 2. p. 1. Seſſ 1. c. 38. ¶30. *in fine pagina.* 219. See it in *Juſtices of Peace.*

FORRESTS.

That all pretending right by Infeftment, or Tack of keeping the Kings Forreſts produce the ſame; and that no ſuch keeper ſuffer any manner of Goods to be paſtured therein, under the pain of tinſel of their Offices and eſcheat of their Moveables. If others be found paſturing therein, that they be impriſoned, and the Goods found eſcheat, two part to the King, and a third to the Keeper. *Item*, that the negligent Keeper tine his Office, and that Landed men, or their Keepers may eſcheat all Goods found within their hained Woods or Forreſts, Jam. 5. par, 4. c, 12. pag. 204.

All Goods found Paſturing in the Kings parks or Forreſts without the Comptrollers licence, may be by him eſcheated to the King, Ja. 6. p. 12. c. 130. pag. 626.

And

And the Keepers may intromet therewith, half to the King half to himself. Who cuts any Timber within the Kings Woods, or Forrests, or slayes Deer, or Wilde Fowl therein, with Gun, Bow, Dog, Haulk, or other Engine, or shoots with any Gun therein, or in the night, within a mile thereof, or slayes any Deer straying in time of storm, tine all their Goods as escheat. *Item*, That none Hunt or Haulk within six miles of the Kings Woods, Parks, Castles, and Pallaces, under the pain of an *hundred pounds*, half to the King, half to the Delator, Ia. 6. p. 14, c. 214. pag. 698.

That the Keepers of Forrests, and Others having right thereto by their Infestments, shall have power and jurisdiction to conveen before them the transgressors of the saids Statutes, and to try them by an Inquest, and execute the saids Acts against them, to wit, the slayers and shooters at Deer, Rae, and Wilde Fowl, being Landed men, under the pain of *five hundred merks*, and being un-landed, *an hundred merks*, &c. conform to the former Acts, Ja. 6, p. 22. c. 18. pag. 918. But this pain of 500. *merks* said to be formerly statute against Landed men does not appear.

FRANCE.

That the old Alliance with *France* be renewed and confirmed, and reformation sought of abuses, conform thereto, Ia. 4. p. 3. c. 23. pag. 157.

French-men naturalized in *Scotland*, as *Scots-men* are in *France*, and the *French*. Letter of naturality for the *Scots* is insert and recorded in the Act, Q. M. p. 8. c. 65 and 66 pag. 309, and 310.

FREE-HOLDER.

That all Free-holders dwelling in the Shire, compeer at the three Head Courts, with their Seals, or send a sufficient Attourney therewith; And so upon Courts set on fifteen dayes warning, and if the Court be not sufficiently furnished in the triall, the Sheriff may charge the Gentles of the Regality, and the pain of non-compearance, an un-law of Court, Ja. 1. p. 9 c 130. pag. 40. That all Free-holders give suit and presence at the three Head Courts, if they owe the same, or send sufficient Suitors

if they owe but Suit, Ja. 5. p. 6. c. 71. pag. 231.
The Acts anent free-holders, or small Barrons sending their Commissioners to the Parliament, or Convention. See in *Parliament*.

FUGITIVE. See *Horning*, and *Rebell*.

That all Fugitives from the King, or any of his Lieutennents, be punished as publick and notour Rebells, Ja. 1. p. 8. c. 110. pag. 35.

FURIOUS.

That their neareſt Agnat or Kinſman be ſerved and preferred to be their Tutors, or Curators, according to the Common Law, Ja. 6: p. 10. c. 18. pag. 512. See *Curator*, or *Idiotry*.

G

GALLEYS.

That Barons and Lords having Lands in the Weſt and North, on the Sea Coaſt, and not infeſt with this burden, have Galleys, each four merk Land an Oar: And that the Lands within ſix miles, contribute to the ſuſtentation of the ſaids Galleys, Ja. 1. par. 9. cap. 126. pag. 39.

GARRISONS.

Order for Garriſons in the Border, and that the Sheriffis Tax and return mens Avails for beating the charge Ja. 2. p. 12. cap. 55. pag. 72.
The power of commanding, ordering, or otherwayes diſpoſing of all Strengths, Forts, and Garriſons, doth properly belong to the King and his Succeſſors, as their undoubted right; the Subjects being alwayes free of their proviſion, unleſs Concluded in Parliament Car. 2. p. 1. Seſſ. 1. c. 5. pag. 138. See the Act in *Ja.* The Act is, *Act aſſerting his Majeſties Royal Prerogative in the Militia*, &c.

DEA

DEAN of GILD.

Confirmation of the Dean of Gild and his Counsell their Jurisdiction, in all Actions concerning Merchants, and as it is used in *Edinburgh*, and that according to the form used in *Paris* or *Rowan*, and other Towns of *France* and *Flanders*, Ja. 6. p. 13. c. 184. pag. 669.

GIRTH, or SANCTUARY.

That where the Committer of slaughter on fore-thought Fellony flees to Girth or Sanctuary, the Sherriff require him on Caution, and take triall by an Inquest if the Crime was committed by him on fore-thought Fellony, *Tanquam Insidiator & per industriam*: And if so, then the Committer to be punished; And if not then he be restored to the Girth, Ja. 3. p. 5. c. 35. pag. 104. Ratified, Ja. 3. p. 6. c. 42. pag. 108.

That all *Masters* of Girth make Deputes under them, dwelling at, or near the Girths, who may be charged to deliver all Committers of slaughter on fore-thought Fellony, and other Trespassours, who break Girth, and may not bruik its priviledge: And if these Baillies being charged, refuse to deliver, that they be rigorously punished in their Bodies and Goods, Ja. 5. p. 4. c. 23. pag. 209. This Act made because the *Masters* of Girth, Spiritual men, were said to refuse to deliver Trespassors.

GLEIB See *Manses.*

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all set down under *Manses*, because of their Contingency.

That Ministers and Readers pay no Teinds for their Gleibs, Ja. 6. p. 3. cap. 62 pag. 403.

Or for their Sums Grass appointed in stead thereof, Jam. 6. par. 23. cap. 10. pag. 971. but see *Manses.*

GOLD and SILVER. See *Money.*

GOLD-SMITH See *Craft* and herein GOLD and SILVER-WORK.

That Gold Work made be Eleven Grains fine, and that it be marked by the *Maker* and Deacon; And if there be but one Gold-smith in a Town, by him and the Magistrat: And if either the Work be not of that fineness, or not marked in the first case, both the Maker and Deacon, and in the second, the Maker shall fine his Goods to the King, and his Life be in the Kings will, Jam: 2: par: 14: c: 65: pag. 77:

Item, That Gold-smiths work be marked by the Maker, Deacon, and Towns Mark, of the finness of eleven penny fine, otherwise the Work to be broken, and the Maker in the Kings will: And that Gold-smiths be admitted by the whole Craft, and their Officiar, Jam. 3. p. 13. c: 96. pag. 130.

Item, That their Work be marked by the Maker, and Deacon; And that Silver Work be of the fineness of the new Work of *Bruges*: And Gold Work as fine as the Matter of the first melting down by the Owner, Ja. 4. p. 2. c. 13. pag. 152.

That no Gold-smith make Work of Silver under 11. penny fine, and of Gold under twenty two Carrat fine, under the pain of death, and escheat of Moveables, and that all Work be marked by the Makers, and the Towns mark, Q. M. p. 6. c. 56. pag. 304.

GOLF, *See Foot-Ball.*

GOVERNMENT.

If any person by Writing, Printing, or any malicious and advised speaking, express or declare words to stir up people to the hatred or dislike of the Kings Supremacy, or of Episcopal Government, as now established, or to justifie any of these things declared against in this Act, that he be uncapable of all Publick Trust: and lyable to the pains of Law, Providing he be processed by the King or Councils order, and no otherwayes, within eight moneths after the offence, and sentenced within four moneths after Process, Car. 2. p. 1. Sess. 2. cap. 2. towards the end, pag. 290. The Act is, *for preservation of his Majesties person; authority and Government.*

Ratification of all Acts for secuting the Government of the Church as now established, Car. 2. p. 3. c. 4. *in initio*, pag. 581. The Act is, *For securing the peace of the Countrey.*

EARL

EARL of *GOWRY*, See *Forfaultour.*

CLANN-GREIGOUR.

A strict Act against the Clann-*Greigour*, Ratifying all former Acts of Council against them, suppressing the name, and obliging them after 16. years of age to make cõpearance yearly the 24. of *July* before the Council, to find Caution, or otherwayes if they be denounced for their failzie, declaring them to be Intercommuned, and that none reset or assist them: And the Act constitutes several Justices in that part against them, Car. 1. p. 1. c. 30. pag: 71:

GUERRA. See Courts.

GUNS.

That Landed men and Others provide Guns: For each hundred pound Land of new extent, an Hagbut: For each hundred merk Land, two Culverings: And for each fourty pound Land one Culvering, with all their pertinents, as in the Act, Ja. 5. p. 7. c. 94. pag: 242. And that Merchants bring them home, Ibid. c. 95: pag: 244:

That no man shoot with, or wear Guns, under the pain of cutting off the right hand, except that men may shoot for pastime within their inner Closs: and also, except Mariners at Sea, Men of war in actual wages, or men at, or going to, or coming from Weapon-shawings, or called to Hosts, or to assemble in Arms, or in defence or pursuit of Thieves, Ja. 6. p. 1. c. 18. pag. 368. Ratified, and the pain lessened and changed to be *ten pounds*, and tinsel of the Gun and Armour, unless the King appoint the former pains to be execute, and Magistrats of Burghs are impowered to execute the same, and waird the persons convict, untill they pay; as also, to cause them find Caution to desist, under double pains, Ja. 6. p: 6. c. 87. ¶ 2, and 3, pag. 430.

Again Ratified, and the pain made escheat of Moveables, half to the King, half to the Apprehender; But prejudice of the pain in the said Act, Ja: 6: p: 1: c: 18: And all Sheriffs, Stewarts, Magistrats of Burghs and Barronies are impowered to execute this Act *ut supra*, Ja: 6: p: 15. & 252. pag. 726.

Simple Bearers and wearers of Guns guilty of no odious violence, declared conveenable before the Counsell, and the thing to be probable by Witnesses, or

Oath of Party, but only to infer the pain of wairding and eſcheat, or a pecunial pain; but prejudice of the former Acts, if his Majeſty like better to have the offenders purſued Criminally before the Juſtices: And all Licenees except granted by his Highneſs and Councel, and componed and paſt all the Seals, are declared null, Ja. 6. p. 16: c. 6. pag. 767.

H

HAGBUTS *See Guns.*

HAINING. *See Forreſts* and *Planting.*

HAWLKING. *See Hunting.*

HAWLKS and HOUNDS.

That no man take or ſteal another mans Hawlks or Hounds, made of wilde, nor Eggs out of Hawlks neſts, under the pain of *ten pounds*, Ja. 3. p. 7. c. 59. pag. 115. and this pain of *ten pounds* hightened to *an hundred pounds*, half to the King, half to the Dilater, Ja. 6. p. 23: c: 32. pag. 1011:

HARES. *See Hunting*, and *Wilde Beaſts.*

To ſlay Hares in Snow time is a point of Dittay, Ja. 2: p: 14: c: 88: pag: 85: Ja: 3: p: 7: c: 60: pag: 115: And Ja: 5: p: 4: c: 14: pag: 205:

That no man ſhoot at Hares with Gun or Bow, Ja: 6: p: 1: c: 16: pag: 366: See this and other Acts in *Wilde Beaſts*:

HEDGES, See Planting.

That no man make Hedges, of dry Staiks, Rice, or hewen Wood, but only of lyand Wood, Ja: 2: p. 14: cap: 83: pag: 84:

HERAULD, See *Lyon*, and *Meſſenger.*

HERESIE.

That Hereticks be puniſhed according to the Law of the Holy Kirk, and that the Secular power aſſiſt, Ja: 1: p; 2: cap: 28: pag: 7:

HERRING:

HERRING. See *Fish* and *Fishing*.

That none buy, Pack, Peill, Salt, Barrell, or Transport Herring forth of the Realm before *Michaelmess* yearly, under pain of Confiscation of the Herring, Ship, and all other Goods of the Contraveeners, two part to the King, and the third to the Apprehender: And that all Licences in the contrary be granted in Council, and past all the Seals, otherwayes are null, Ia: 6: p: 16: c: 10 pag: 770:

HIGH-LANDS, and BORDERS.

That the Council meet peremptorly the first day of every moneth, for repressing the disorders of the High-lands and Borders, and that a particular Register be kept of all things concerning their good rule, Ia: 6: p: 111 c: 93: pag: 579:

[Act appointing Land-lords and Baillies of Lands in the Borders and High-lands, where broken men contained in the Roll at the end of this Parliament, have dwelt, and dwell, to find Caution, and be otherwayes lyable for the dwellers on the saids Land, and for Thieves passing through the same, in manner contained in the Act, *Ibid:* c. 94: pag: 589: But if the Land-lord or Baillie do diligence to remove these Indwellers, and make them the Kings Rebels, and do all he could do, it shall relieve him of the pain and danger, *Ibid:* c: 108: pag: 580: And if they shall be constrained to burn any Malefactors House, or to hold them and their Wives and Bairns off the ground, for their not relieving them, they shall be assoilzied therefore, *Ibid:* c: 109: pag. 589:

That the Captains, Cheifts, or Chiftains of all Clanns, and their Branches within the saids bounds, and notted in Roll as said is, give pledges to be kept and changed, and also be otherwayes lyable as in the Act; And that such as refuse to give Pledges, be pursued with Fire and Sword, as enemies to God and the King, and the saids Pledges may be executed to death, in case redress be not made by the Persons for whom they ly, Ia: 6: p: 11: c: 95: pag: 583: And the Pledges for the High-lands to be placed on the South side, and for the Borders on the North side of the Water of Forth, *Ibid.* c. 107: pag: 588:

That all notorious Thieves born within the ſaids bounds be removed out of the In-land where they dwell, to the parts where they were born, unleſs their Lands-Lords will become ſurety for them, Ibid. c. 96: pag: 584:

That a Regiſter be made of the ſaids Pledges, and other Perſons for whom they ly, and who ſhould relieve them; As alſo, of all the Land-lords, Baillies, Indwellers and Clanns within the ſaids bounds, Ibid cap: 97: pag: 584.

That all Vagabonds within the ſaids bounds impledged, or anſwered for, be charged to find ſoverty, and in caſe of failzie be denounced, and them, their reſetters, or the Magiſtrats of the bounds where they are wittingly reſet with Goods ſtollen or reſt to be lyable to ſatisfie the Party, Ibid: cap: 98: pag: 585:

That all Bands and Acts made for, or anent broken men, oblidges Airs, albeit not therein mentioned, Ibid: cap: 99: pag: 585:

That ſoverties made by Land-lords and Baillies, and by Chiftains of Clanns, are not prejudicial *hinc inde*, Ibid: cap: 100: pag: 585.

That Land-lords, Baillies, and Chiftains of notable Limmers, preſent ſuch of them as the King ſhall require by cloſe Valentines, otherwiſe they are to be puniſhed for their contempt, Ibid: c, 104: pag: 587:

Act Ratifying all former Acts againſt the diſorders of the High-lands and Borders, ordaining Catalogues to to be made, Caution to be found, Maſters and Land-lords to be lyable to produce their men; and conſtituting all Judges, and Free-holders, Juſtices in that part, to apprehend, and cauſe execute to the death all Thieves and Sorners of the ſaids bounds, in manner ſet down in the Act, Ja: 6: par: 14: c: 231: The Act is, *For puniſhment of Theift, Reiſe, &c.* pag. 708.

That all Land-lords, Heretors, and Leaders of Clanns in the High-lands and Iſles, compear betwixt and the 15. day of *May*, 1598, before the Exchequer, and produce the Rights and Titles, and find Caution, for payment to his Majeſty of his Rents, and that they and their *Men*, Tennents, Servants, and Dependers, ſhall be anſwerable to his Highneſs Laws, and Juſtices, and that they ſhall not injure any of his Highneſs Leiges, travelling in their bounds, and ſhall redreſs all Parties skaithed by them, otherwayes if they fail to compear, &c. that they forefeit and amit all their pretended Rights, and the ſamine to be null, Ja. 6. p. 15. c. 26.

pag.

pag: 737. Ratified as to the payment of his Majesties Rents, Car. 2: p: 1: Sess: 3: c: 15: *circa medium* pag: 332.

That three Burghs be bigged in the *Highlands*, and Isles: one in *Kintyre*, another in *Lochaber*, and the third in the *Lewes*, to which his Majesty grants all the Priviledges granted to any other Burghs: and it is declared leasom for him to give them the ground, and dispone to them Lands, and Fishings, for their Common gude, to be holden Burgage, Jam. 6. par. 15. cap. 267: pag: 738:

HIVES, and *BEES*.

That no man Steal Bee-hives, under the pain of *Ten pounds*, and amends to the party, and that it be a point of Dittay, Jam. 4. par. 6. cap 69. pag. 182. See it in *Thiefs*: and the Acts there cited.

HOLY DAY, See *Sabbath*.

HOMICIDE, See *Slaughter*.

That casual Homicide in lawful defence, or committed on Theives, and Robbers, breaking Houses in the night, or the time of *Masterful* depredation, or in pursuit of Rebels denounced for capital Crimes, or of such who shall assist the saids Rebels, and Depredators by Armes, and by force oppose their pursuit, or apprehending, shall not be punished by Death, Providing that in homicide casual, or in defence, the Criminal Judge may not the less with the Advice of the Council, fine the slayer in his means to the use of the defuncts Wife, and Bairns, or nearest of kin, or Imprison his person, and this Act drawn back to the threttenth of *February*, 1649. Car: 2: p: 1: Sess: 1: c: 22. pag: 183:

HORNING.

That Persons possessing Benefices, or other Ecclesiastick Rents, remaining year and day at the Horne, tine their life-rent, siclike as Temporal men doe, Jam. 6: p: 3: c: 49: pag: 391: See the Act about *Temporal mens* lossing their Life-rents to their Superiors, in the case foresaid being, Jam. 5: p: 4: c: 32: pag: 213. See it in *Superiors*:

That all Letters of Horning, and Relaxation, be

Regi-

regiſtrat within fifteen dayes after the Denounciation, or Relaxation, made in Shirreffs-Books, and marked, and given back by the Clerk, (receaving for his paine *Sex ſhillings, Eight pennies*) within Twenty four hours, otherwayes the ſaids Letters not to be holden lawfully execut, but the Execution to be null: *Item*, that the extracts make faith, and be eſteemed as Authentick: *Item*, that the Relaxation be made at the Mercat-croſs of the Head-Burgh of the Shire where the Rebel dwels, and the Denounciation was made; And that it be regiſtrat in the ſame Books, Iames the 6t par: 6: cap: 75: pag: 420: *The Act is, for puniſhment of perſons that contemnantly remaine Rebels, and at the Kings horn.* Some doubts ariſing upon this Act (*quoad preterita* not now caſible, decided: *Item*, That Letters of Horning, dulie execut for not Compearing to underly the Law, or for not finding ſoverty, and reported as uſe is, to the Iuſtice Clerk, and his Deputes, ſhall be as ſufficient as if regiſtrat in the Sherriffs-Books: *Item*, that Hornings within Stewartries, and Regalities, be regiſtrat within the Books thereof and that Horning againſt witneſſes needs no Regiſtration, Ia: 6: p: 8: c: 142. p. 492. *circa finem. Item*, Denounciation at the Mercat-croſs of the Head burgh where the Iuſtice Courts ſits, and Regiſtration in the Journal-books, in the caſes of not compearing, or not finding ſoverty, as ſaid is, are declared to be as ſufficient, as Denounciation, and Regiſtration in the Shire where the Rebels dwels, *Ibid*: c: 140: *in fine* pag 490. The Act is, *Addition to the Acts made of before, anent the coming to Courts*, &c: See the Act in *Crimes, and Criminal Proceſs*. Item, that the Denounciation of ſuch as are lyable to compt in the Exchequer, made for their diſobedience, at the Mercat-croſs of *Edinburgh*, and Regiſtration in the Theſaurer-books, or Sherriff of *Edinburgh* his Books, decerned to be as gude as if made at the Croſs of the Head-Burgh of the Shire where the Perſon lives, and in the Books of the Shirreff thereof, Ia: 6: p: 11: c: 63: *circa finem*, pag: 567: The Act is, *The Checker ſhould begin the firſt day of* July, *&c.* See the Act in Exchequer, as alſo the Act, Car: 2: p: 1: Seſſ: 3: c: 15: *circa medium* pag: 332: The Act is, *Anent the Inbringing of his Majeſtie's rents, In Kyng*:

The Denounciations to the Horn on Acts of Adjournal, made at the Mercat-croſs of *Edinburgh*, be as lawful to make the eſcheat fall, as if made at the Head-burgh of the Shire where the Rebel dwels, declaring nevertheleſs the Inhabitants not to be in *malâ fide* as to reſſect

reſſet, untill the Denounciation be duly made within the ſame, Ia: 6: p: 12: c: 128: ¶ 2 pag: 624: The Act is, *The names of all Rebels ſhould be delivered to the Theſaurer*, &c.

Denounciations to the *Horn* of Perſons excomunicat, made at the Mercat-croſs of *Edinburgh*, and Peir and Shoar of *Leith*, declared to be ſufficient both for caption, and eſcheat. *Car:* 2: par: 1: Seſſ: 1: cap: 25: pag: 186: See the Act in *Excommunication*.

That Letters of Horning, and Relaxations of Perſons dwelland within Stewartries, and Balliaries, Royality, or Regality, be execut at the Mercat-croſs of the Head-burgh, and regiſtrat in the Books thereof, and that all Executions, and Regiſtration otherwiſe made, be null, Ia: 6: p: 15: c: 268: pag: 739:

Item, that Regiſtration of Hornings, and Relaxations be made judicially, or before an Notar, and four witneſſes beſide the *Clerk*, and if the Shirreff, Steward, or, Baillie, refuſe to regiſtrat, and be thereupon Inſtrumented, the Letters may be regiſtrat by the next Shirreff, Stewart, or Baillie, or by the Clerk Regiſter, and his Deputes. *Ibid:* c: 269: pag: 739: But that part of the Act requiring a Notar, and witneſſes reſtinded, declaring Regiſtrations made by the Shirreffs, Stewarts, and Baillies Clerk, or by the Clerk Regiſter, and his Deputes, to be ſufficient, Ia. 6: p: 16: c: 13: ¶ 2. pag: 771:

That the tenor of Letters of Horning, and Executions thereof, ſhall not be admitted to be proven by witneſſes, Ia: 6: p: 6: c: 94: pag: 437:

That Letters of Horning be not generally directed againſt all and ſundry, except it be a Burgh, Colledge, or Community, repreſenting a bodie, at leaſt that no Perſon be thereon denounced, unleſs firſt ſpecially called to hear the ſaids Letters directed againſt him, for a ſpecial cauſe, and for that end that in all Miniſters Aſſignations to thirds, or the like, the ſpecial Lands, Tenants, and dewties, be contained. *Item*, a Beneficed man may ſeek General Letters, conform to his proviſion, for Publication thereof, but not to denounce thereupon, as ſaid is: Iam: 6: p: 12: c: 142: pag: 635:

A Reduction of an Horning and Denounciation, being preſented upon an acquittance, proving the Debt to have been payed of before, for preventing colluſion in prejudice of his Majeſties Caſuality, the Producer thereof muſt ſwear ſolemnlie before the Lords, that the acquitance is true, and of a true date, otherwayes he ſhall not be heard againſt the King: Ia: 6: p: 14: c: 213:

pag:

pag. 697. The Act is, *For trial of the truth of acquittances*, &c.

That no Letters of Horning, (such as for finding of Law-burrows, or compearing before the Council) be direct against Persons dwelling be North *Dee*, upon shorter time then fifteen dayes, otherwayes the same to be null, Ja: 6: p: 16: c. 25: pag: 784:

That Letters of Horning be direct on Sheriffs, Stewarts, and Baillies of Royalty, or Regality their Decreets as on Decreets of Provost, and Baillies, of Burgh, by the Act, Ja. 6. p. 13. c. 181: pag. 667. in *Burghs*, Ja. 6. p. 18: c: 10: pag. 810.

The same statut as to Admirals Decreets, Ja: 6: p: 20: c: 15: pag: 851:

And as to Commissaries their Decreets, Ja: 6: p: 21: c: 7: pag: 863:

Ratified, and poinding aswell as horning, ordered upon the saids Sheriffs, Commissares, and other inferior Judges, their Decreets, Car: 2: p: 1: Sess: 1: c: 29: pag: 188. The Act indeed only *Ratifies*, and Refers to to the saids Act, Ja. 6. p. 18. c: 10: Wherein neither Commissar, nor Admiral is named, but seeing it expresses Commissares, and other inferiour Judicatories, as therein named, its probable that the meaning of the Act is als large as here is made.

Horning for a Civil cause, declared to be no defence to any party who shall slay, or mutilat, the Person so denounced, and that this Act have place allanerly, for such crimes as shall be committed thereafter, Ja: 6: p: 21: c: 3: pag: 861:

HORSE.

That no Horse under three year old out gone, be sold out of the Realm, under pain of escheat of the *Horse*, Ja: 1: p: 2: c: 31: pag: 8.

That no Horse be transported forth of the Realm by Sea, under the pain of escheat of the Horse, Ship, and remanent gudes of the transporter, Jam: 6: p: 1: c: 22: pag: 372: The preface of this Act mentions transporting of Horse to *Bourdeaux*:

That a Smith shoeing a Horse in the quick, pay the coast of the Horse, till he be whole; And furnish the the owner with another, and if the *Horse* will not mend that the Smith hold the Horse, and pay the price, Jam: 3: p: 10: c: 78: pag: 123.

That slayers, or hochers of Horse, or Oxen, or other Cattel, and their maintainers, and resetters, be punished,

ed to the Death as Theives, And the maintainers, and Resetters of Theives, *Ja:* 6: p: 7: c: 110: pag: 453: Ratified, but Confined to the time of Labouring, and extended to Cutters, and Destroyers of Pleuch gear, in time of Tilling. And to strickers, goarers, and sellers of Oxen, or Horse, in time of *Leading* of Cornes, or Fewel, Ja. 6: p: 11: c: 83: pag: 576.

That none under a Barron, or Landed man, worth a Thousand merks of yearly free Rent, keep Horse at the hard meat, after the fifteen of *May*, or take them in before the fifteen of *October*, under the pain of escheat of the Horse, Ia: 6: p: 7: c: 122: pag: 469: But this Act rectified, and it is Statute, That none under *Two thousand pounds* yearly, keep Horse at hard meat after the first of *June*. And that after the said day, the Earl, and Lord keep only two, and the Barron one, at most, under the pain of escheat of the *Horse* kept in the contrary, with which the Sheriffs are Impowered to Intromet, half to the King, and half to themselves, Ia. 6: p: 11: c: 56. pag: 562.

HORSE RACES.

If any man gain by Wagers upon Horse-races above the sum of *an hundred merks*, That the superplus be Consigned in the hands of the Collector for the poor, and Magistrats in Burghs, Sheriffs, & Justices of Peace in the Country, are Impowered to persue for the said superplus gain, or els are Declared lyable to the Informer in the double thereof, half to him, the other half to the Poor, Ja: 6: p. 23: c: 14: pag: 974. The Act is, *extended to Cards and Dice.*

HOSPITALS.

That Hospitals be visited by the Chancellour, the Ordinary, and two honest men, and their Foundations examined, or if they cannot be found, that Inquisition be taken, and the matter referred to the King, *Ia:* 2: p: 14: c: 69: pag: 78: That where the Foundations of Hospitals cannot be found, the fruits be assigned to the poor, Ia: 3: p: 1: c: 10: pag: 92: That Hospitals be visited, and the King name Visitors, Ia: 5: p: 7: c: 101: pag: 248:

A new Visitation appointed, *viz.* for Hospitals of the Kings foundation by the Chancellour, and all others by the Bishops, with power to the Visitors, to Charge for production of the Foundations, Fewes, and Tacks, And that they report betwixt, and *Pash* next, Ia. 6. p. 5: c: 63: pag: 494: *Anno* 1578. See *Donations pious.*

HOST,

HOST.

That all men betwixt Sixty and Sixteen be ready Horſed, and Geired, as they beſt may, for defence of the Realme, and to come to the Borders, Other-wiſe to be puniſhed in their Bodies, and Goods, and that Weapon-ſhawings be kept, from thirty days to thirty days, Ia. 2. p. 13. c. 56, *An.* 1456. pag, 72 See *Weapon-ſhawings.*

That no Perſon coming to the Kings Hoſt, deſtroy Meadowes, or Corns, or ſpuilzie Goods, in coming, or going, and that each Barron anſwer for the men of his Leading, to preſent them, or pay the skaith. Ia. 3. p. 11. cap: 81. pag. 124.

That for laving Corns, and Meadowes, the Kings Army be unhorſed, and ready to march on foot, except Lords, Barrons, and others Licenced by the King. Ia. 5. p. 6. c: 86. pag, 238.

If any man be ſlain, or hurt to Death by the Enemy, or Die in the Kings Hoſt, during the time of it, that his Air have his Waird, Relieff, and Marriage of the King free, Ia. 4 p. 7. cap, 102. pag. 194. This Act bears to be made at *Tweſilhauch*, in *Northumberland*, by the King, and his Lords preſent in the Hoſt, 24. of *Auguſt*, 1513. the ſame Statut, and extended to the Vaſſals of all other Superiors, Ia. 5. p. 2: c. 3. pag. 198. But this Act mentions not ſuch as die in the Hoſt, this is alſo extended to un-landed men, that their Wives, and Bairns, bruick their Tacks and ſteedings for five years after their ſlaughter, or wounding to Death, Greſſum free. *Ibid:* cap. 4. pag. 199.

A Church-man ſlain, or hurt to Death, or dying of ſickneſs taken in the Hoſt, then marching againſt the *Engliſh*, That his neareſt of kin (moſt able therefore) have his Benefice, Q. M. p. 3. cap. 4. pag. 265.

As alſo, that any Vaſſal ſo ſlain, or dying, have his Waird, Marriage, Nonentry, and relief free, only if there be bairns beſide the Air, that then they have the benefite of the Waird of the Lands, *Ibid:* c: 5: pag: 265. That in caſe of any mans deceaſs as aforeſaid, his Wife, Bairns, Aſſigneyes, or Executors, have his Tacks, and Steedings, Greſſum-free for five years thereafter, pay-and the wonted Dewty, *Ibid.* c. 6. pag. 266.

Thir three laſt Acts renewed in favours of ſuch as ſhould be ſlain, or wounded to the death by the Rebels, then

then within the Burgh, and Castle of *Edinburgh*, resisting his Majesties Authority, Ja: 6: p: 2. cap. 41. 42, and 43 pag. 382, 383, and 384.

HOSTELLARIES.

That in all Burrows, and through Fairs, there be Hostellaries having Stables and Chambers, and provision for Horse, and Man, Ja. 1. p. 1. cap. 24. pag. 6.

That all travelling Men on Horse, or Foot, lodge in Hostellaries, unless they lead money with them, In which case, they may lodge with their Friends; and that none receive Travellers, except Hostellaries, under the pain of *Fourty shillings*, to the King, Jam. 1. p. 3. c. 56. pag. 14.

That Honest, and competent *Hostellaries*, be made in all Burghs, Jam. 1. p. 6. cap. 85. pag. 24.

Ratified, and that all Baillies of Burrows, and Barrones see to the provision of the saids Hostellaries, Jam: 5. 8. 4: cap: 18. pag. 206.

HOUSE-HOLDERS.

That all House-holders worth *Three Hundred Merks* of yearly rent, or *Five Hundred Pounds* of Stock, have an Bible, and Psalm book, in Vulgar Language, in their houses, under the pain of *Ten pounds*, two thirds of it to the Poor, and the other third to the Magistrates in Burgh, And to the Kings Commissioners in Parishes to Landwart, who are appointed to execute this Act, Jam 6. p. 6. cap. 72. pag. 412.

HOUSES Ruinous, See Burghs.

HUNTING and HAWKING.

That none slay Hares in Snow time, see *Hares*; and that no man slay Doe, Rae, nor Deer, in time of storm, or snow, or their Kids, while they be a year old under the pain of *Ten pounds*, Jam. 3. p: 7: cap: 61: pag. 115. See it in *Wild Beasts*, and the Acts that there follow.

That no man ride, or gang in his Neighbours Corns, in Spating, or Hawlking, from *Pask*, till they be shorn, and upon

upon Wheat at no time in the year. *Item*, that no Partridge be taken till *Michaelmas*, and that no man range anothers Woods, Hainnings, nor Incloſets, within Dikes under the pain of Damages to the Partie, and *Ten pounds* for the firſt, *Twenty pounds* for the ſecond, and eſcheat of Moveables for the third fault, to the King. Q: M: P: 6: c. 51: pag: 302: And that no man hunt, ſhoot, or ſlay Deer, or Rae in Others incloſers. See it in *Theift*.

That none Hunt, or Haulk within Sex miles of the Kings Woods, Parks, Caſtles, and Palaces, under the pain of an *Hundred pounds*, half to the King, half to the Delator, Ia: 6. p: 14: c: 214: *circa finem* page 699:

That no man Hunt or Haulk who hath not a Pleugh of Land in Heretage, under the pain of an *Hundred pounds* half to the King, half to the Delator, Ia: 6: p: 23: c. 31: page 1011:

I

IDIOTRIE.

That the Brieve of Idiotrie, bear to inquire of the folly, and furioſity, and how long time the Perſon was of theſe conditions, to the effect, that all Alienations made by the Fool, or Furious Perſon, after that time may be retreated, as well as Alienations made after ſerving of the Brieve, Ia: 3: P: 8: c: 66: pag: 118:

That the neareſt Agnat, or Kinſman, of natural Fools, Idiots, and Furious Perſons, be ſerved, and preferred to their Tutory, or Curatory, after the diſpoſition of the Common *Law*, *Ia*: 6. p: 10: c: 18: page 512.

IDLE-MEN.

That the Sheriff inquire after Idle-men. and put them to Work, or Service, or els in priſon, and that the like be done in Burrows, Ia- 1: p: 3- c: 66: page 17: See *Beggars*, *Manufacturis*, and *Poor*.

JESUITES.

The Act againſt Ieſuites, See in *Papiſts*, and *Religion*.

IMPORT, See *Forbidden gudes*, and *Trade*.

IMPROBATION, See *Falshood*.

Who offers to Improve a Writ as falls, either by way of action, or exception, should find caution, or enact himself to pay a pain arbitral, in case he succumb, half to the Queen, half to the Party, and where the Kings Advocat persews, that the Informer find the caution, Q. M. p. 7. c 62. pag. 308.

INCEST

That such as commit incest, by abusing their bodies with Persons in degree expresly forbiddden by GODS word *Levitieus*, Chap. 18. Be punished by Death, Ja. 6. p. 1. c. 14. page 365.

INCLOSURES.

That no man range anothers Incloſures. Q. M. p. 6. c. 51. *circa medium*, page 302. See it in *Hunting*.

Act for making of Incloſures, Car. 2. p. 1. Seſſ. 1. c. 41. pag. 235. See it in *Planting*.

INDEMNITY, See *Oblivion*.

Act of Indemnity, and Exoneration to them that ſerved the King in the civil troubles, preceeding, Ja. 6. p. 7. c. 109. *Anno* 1581. page 452.

INDORSATION, See Execution.

INFEFTMENT, See Charter and Seaſing.

A bounding Infeftment proceeding upon the Vaſſals Reſignation, albeit it contain a new Gift, prejudges none anent the Bounds, and Marches, except the Superior the granter, Ja. 6. p. 12. c. 138. page 633.

IN

INHIBITION and INTERDICTION.

That all Inhibitions and Interdictions, with their Executions be Registrat within fourty dayes after their Publication and Execution, first in the Books of the Sheriff of the Shire where the Party dwells; and if he have his Lands, or most part thereof lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Executions marked by him within twenty four hours, receiving *five shillings* for his pains: and the Extracts to make faith in all cases, except that of Improbation; and that no Inhibition or Interdiction be of force, but null, except it be so Registrat, la: 6: p: 7. c: 119: pag: 465:

That Inhibitions and Interdictions against Persons dwelling within Stewartries and Bailliaries in Regality or Royalty, be execute at the head Burgh, and Registrat in the Books thereof, otherwise the Executions and Registrations are null, la: 6: par: 15: cap: 268: pag: 739:

That these Registrations be made Judicially: or before a Notar and four Witnesses, beside the Clerk; And if Sheriff, Stewart, or Baillie refuse, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriff, Stewart, or Baillie, or by the Clerk Register and his Deputes, la: 6: p: 15: c: 269: pag: 739: But that part of this Act requiring Notar and Witnesses Rescinded, and Registrations made by the Sheriff: Stewart, and Baillie Clerk, or by the Clerk Register and his Deputes declared sufficient, la. 6. p: 16: c: 13: ¶ 2: pag. 771.

SUPER INQUIRENDIS.

That the Secretary and his Deputes pass no Letters charging men to compear *super inquirendis*, or to enter their Persons in Waird, or to do any other deed, under the pain of Treason and Rebellion, and in case of failzie, to denounce, notwithstanding the Subscription of his Highness, or any two, or more of his Council, unless they be subscribed by the cheif Officers of State, at least four of them, Whereof the Chancellor, Thesaurer, or Secretary, one who shall answer that the Letters are for Treason, or matters of the highest importance, lam: 6: part 10: cap: 13: pag: 508:

In-

INSTRUMENT, See *Notar* and *Witnesses.*

INTERRUPTION, See *Prescription.*

IRELAND.

That no man pass to *Ireland* without licence, Jam. 1. p. 3: c. 61: pag. 16. And that such as come from *Ireland*, have a Certificat of the cause of their coming, *Ibid.* c: 62. pag. 16. And that they be examined before their landing, *Ibid.* c. 63. pag 16. And that it be declared that this is not done to break old Friendship with *Irishry*, but to prevent correspondence with the Kings Rebels there, and *English* Spies, And that the pain of contraveening, be escheat of Goods, and Body in the Kings will, *ibid.* c: 61, *in fine*, pag. 16. and c. 64. pag. 17.

Imposition of *three pounds* upon each Boll of Victual imported from *Ireland*: but when Meal and Barley here exceed *eight pounds* the Boll, the Council is impowered to remit this Imposition, Car. 2. p. 1. Sess. 3, cap. 14. pag. 329.

Another Act most strictly prohibiting the Importation of Victual from *Ireland*, or to reset the same, under pain of Confiscation of Vessel and Goods, and *twelve hundred pounds* upon the Heretors, and Magistrats of Burghs within the Shires, named in the Act, in case they or their Tenneats, or Inhabitants *respective* import or reset the same: and that they give bond for this effect: But the Council when Meal and Bear are at, or exceed *eight pounds*, and wheat at *ten pounds* or above, may allow Importation, Car. 2. p. 2. Sess 3. c. 3. pag. 456.

ISLES. See *High lands.*

That Justices and Sheriffs be appointed for the North and South Isles, Ja. 4. p. 6. c. 59. pag. 178.

JUDGES or OFFICIARS, See *Sheriffs.*

That Officiars and Ministers of the Law be appointed, that can hold the Law to the Commons, and that have sufficiently of their own, wherein they may be punished

nished if they trespass: And that such as are Infect in Offices, and not sufficient, ordain Deputes, for whom they shall be answerable, Ja: 1: p: 1: c: 6: pag: 2:

That all Judges do full Law, and Justice, as well to poor as rich, but fraud or guile, and appoint Advocats for poor folk at the Kings direction, who should be payed by the other Party, if found in the Wrong; and that Judges refusing to do the Law evenly be rigorously punished, Ja: 1: p: 2: c: 45: pag: 11:

That just men that kens the Law be made Justices and other Officiars, Jam: 2: p: 6: cap: 13: circa finem, pag: 55:

All Officiars wilfully trespassing in their Office, tines the same for year and day, Ibid: cap: 17: pag: 56:

That Officiars or Sheriffs, &c: faultise or negligent, if Heretable, fine their Office for a year, and if not, for all the time they have it, and both to be farther punished at the Kings Will, Ja. 2: p. 14 c. 76. pag. 81.

That all Parties first pass to their Judge Ordinary and pursue Justice, and if he refuse, that he be put from his Office by the King and his Council for a certain time, and if he failzie and do wrong, and be an Officiar of Fee, that he be put from his Office for three years; and if he be not of Fee, that he be put from it for ever, and both the one and the other shall pay the expences of the Party, and be in the Kings will; and the Party plainzeand wrongonly shall pay the Judges expences, and be in Will: And Judges ordinary shall be holden to answer for their Deputes. And it shall be leasome for the King to take decision of any matter that comes before him at his empleasance, as it was wont to be of before, Ja: 3: par: 5: cap: 26: pag: 100

That in case the Ordinary fail in his Office, both he and the party be summoned before the King and his Council for Justice and Reformation, Iam: 3: par: 8: cap. 62. pag. 116:

That all Civil Actions be first pursued before the Ordinaries, and what Actions are proper for the Lords of Session, Ja. 3. p. 14. c. 105: pag. 135: See it in *Action*: But the Act is only appointed to endure untill the next Parliament.

That Sheriffs, and other Officiars give the Process, whether it be of Debt, or Brieves to the Party, on his expences for each Act *four pennies* allanerly, Iam. 4. p. 6. cap. 67: pag. 181.

That all Sheriffs and other Temporal Iudges sett their Courts

Courts in all Personal Actions upon fifteen dayes *peremptorie*, and at that day proceed summarly, & *de plano*, Ia: 5. p. 6. c. 72. pag. 231.

That all Sheriffs and other Iudges make their Deputes able men, for whom they will answer, and that they cause them be sworn, and that yearly, if continued, at the Head Court after *Michaelmas*, Ibid: cap: 73. pag: 232:

That all Iudges whatsoever do true and equal justice, without any partial Counsel, Rewards, or Budds, under the pain of Infamy; and if any murmure them saffly, he shall be punished in semblable manner; providing that Spiritual men be called before their Ordinaries, Ia. 5: p. 7. c. 104. pag. 249.

That the Depute may be Iudge where the Principal Sheriff, Stewart, or Baillie is the Pursuer, Ia. 6. p. 6. c. 84. *in medio*. pag. 429. The Act Is, *against the destroyers of Planting* &c.

Who strikes or hurts any person before any Inferior Iudge siting in Iudgement, payes *an hundred pounds* to the Iudge offended: But who strikes or hurts any Iudge siting in Iudgement, incurrs the pain of death, Ia: 6: p. 13. c. 177. ¶. 3, and 4. pag. 664: and 665.

JUDICIAL PROCEEDINGS.

The Judicial proceedings under the *English* Usurpers Ratified, albeit the Authority was unlawful, in manner set down in the Act, Car: 2: p: 1: Sess: 1: c: 12: pag. 152.

Act concerning the Regulation of the Judicatories, Car: 2: p: 2. Sess: 3: c. 16: pag: 474:

JURISDICTIONS.

All Iudgements and Iurisdictions either Spiritual or Temporal, not approven by the King and Parliament, are discharged; certifying the Exercers and obeyers thereof, that they shall be punished as Usurpers and Contemners of the Kings Authority, Iam: 6. p: 1: cap: 131. pag: 477:

JUSTICE AIR, COURT, and CLERK.

Attorneys in the Iustice Air should be honest sufficient Persons, Iam. 1: par: 3: cap: 53: pag: 13:

That the Iustice pass through the Countrey twice in the

year, after the old Laws, Ja. 2: p. 3. c. 5. pag. 51. p. 8. c. 12. *in fine* pag. 55 p. 14 c. 70. ¶ 2. pag. 79. once on the Grass, and once on the Corn, Ja. 3. p. 13. c. 94. pag. 129.

That Justices, Crowners, and others making course through the Land, ride in competent and easie numbers Ja. 2. p. 6, c. 21. pag. 57.

That the Justice Clerk reveal no mans Action, nor translate any Action otherwayes then was given him, but for the better to the King, nor change names one for another, nor put any out of the Rolls without command of King and Council, under pain of tinsell of his Office, and his Honour and Goods to be at the Kings will, *ibid.* c. 28 pag. 59.

Justice Airs need not be continued, but continue of themselves untill dissolved by the Justice, Ja. 3. p. 5. c. 38. pag. 107.

All persons Arrested to the Justice Air, that may be apprehended in the Town the time of the Air. shall be taken and delivered to the Justices for to be justified, Ja. 3. p. 7. c. 58. pag. 115.

That the Justice in his Air in the head Burgh of the Shire may give an Assise to all Inhabitants of other Burrows of their own Neighbours, and failzieing of them, of these of the said head Burgh, Ja. 4, p. 1. c. 1. pag. 145.

That Justice Airs be held twice in the year, as above, and that all rise and come to fortifie the Justice, as they shall be by him charged, under the pain to be punished as Art and Part with the trespassors, Ja. 4. p. 3. c. 29. pag. 160.

That the Justice Clerk take forth all Statutes having pain of Dittay in the end, and take up Dittay thereupon, Ja. 4. p. 4. c. 45. pag. 168.

That Justice Airs be kept for *Dowart*, *Glentewart*, *Monmore*, *Lochaber*, *Argyle* and *Bute*, as in the Act, Ja. 4. p. 6. c. 60: pag. 178.

That the Process of Justice Airs or Courts be peremptor at the second Air or Court, so that Fugitives not then compearand, shall be denounced, and their Goods escheat, Ja. 5. p. 4. c. 33. pag. 214.

The Justice General may set particular Justice Courts upon any manner of Crimes, as recent Slaughter, Mutilation, Fire, Ravishing, &c. And for Deprecations, Reiffs, and Spuilzies, that particular Diets be set at the discretion of the Lords of Session, the matter being first Civilly decided, *ibid.* c. 34: *in fine* pag. 215.

That no Precept for Continuation of any Justice Court be admitted by the Justice or his Deputes, Ja. 6. p. 11. c. 89. pag. 572.

That

That Justice Airs be holden twice every year, over all the Shires, in *April* and *October*; And that the Justice General, or his Majesty under the Quarter Seal, make eight Deputes of the Lords of Session, or experimented Advocats, two for each Quarter of the Realm, with a Depute from the Thesaurer, and another from the Justice Clerk; And that Stewartries and Baillaries come to the head Burrows of their Shires; That these Justices be received at their entry in the Shire, by the Sheriff Principal, or his sufficient Depute, and all the Free holders warned by Proclamation for that effect, who shall convoy, attend, and accompany them till they be received by the next Sheriff That the saids Justices upon the morn after their coming to the head Burgh Fence the Air, call the Suits, and try Offenders Prisoners, by an Assise, thereafter call *Pledges* and Cautioners. And thirdly, the Persons newly Indited and Arrested, that they direct Precepts for Summonding Assisers, each person under the pain of *fourty pounds*: and that the Air being ended, they give a subscribed Extract thereof to the Thesaurers Depute, for up-taking and compting for the Sums therein contained; in the first end whereof the charges of the Justices and Clerks are to be allowed, as they shall be modified by the Exchequer. That to prepare for these Justice Courts, the King with the advice of the Chancellor, Thesaurer, and Justice Clerk, give Commission to Honourable Landed men in each Shire, in number set down in the Act, with four of the Council of each Burgh within it self, who shall be the Kings Justices, and have power to take up Dittay by themselves, or a sworn Inquest, or sworn men, of greater Crimes, and either to apprehend the persons dilated, or deliver them in portuous to the Crowner every moneth, that he may secure them to the next Air, and for lesser Crimes to do Justice themselves; and for that end to meet four times in the year, first of *May*, first of *August*, first of *November*, and first of *February*: As also to direct their precepts to the Crowners, and to Sheriffs, or Officiars of Arms for Summonding Assises, each person under pain of *ten pounds* and that they send their Extracts to the Thesaurer, and have their expences allowed, as above: And these Justices of both sorts to endure for a year, and farther during the Kings will, Ia. 6. p. 11. c. 82. pag. 572.

Theift or Reiff by broken Borderers, or Highlanders, may be pursued either before the Lords of Session, or the Justices, Ibid. c. 94. *in initio* paginæ 581:

See it in *Robbery* and *Reiff*. The Act is, *Caution should be found be Land-lords and others* &c.

That the Justice Clerk, or his Deputes, within six dayes after the return of Criminal Letters, deliver the names of the persons denounced, with a note of the causes to the Thesaurer or his Clerk; as also the Act of Adjournal, with the Precept thereon, to denounce persons finding soverty and not compearing, Fugitive, within the like space after they be decerned, that the escheats may be taken up, Ja. 6. p. 12. c. 128. ¶. 1. pag. 624.

Who strikes or hurts any person before the Lord Justice or his Deputes sitting in Judgment, incurrs the pain of death, Ja. 6. p. 13. c. 177. ¶. 2. pag. 664.

Act concerning the Regulation of the Justice Court, suppressing the Justice Deputes, and adding five Lords of Session to the Justice General and Justice Clerk, and appointing four of the whole number to be a *quorum*, except in Circuits, with rules anent the proceedings of the Court, Car. 2. p. 2. Sess. 3 c. 16. pag 492. But in time of Vacance of the Session, three of the said Commissioners are declared a *quorum*, and appointed to meet at *Edinburgh* in *July* yearly, Car. 2. p. 3. cap. 22. pag. 561.

JUSTICES of PEACE.

That his Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be Justices and Commissioners for keeping the Peace, who should prevent and suppress disorders, as in the Act: As also they are ordained to give true advertisement to the Lords of Council, Justice General, and others whom it effeirs, of the names of the best Witnesses and Assisours to be Summoned in all Crimes that shall happen to fall out in the Shires, that such as are unable to travel, or ignorant, may not be vexed, Ja. 6. p. 20. c. 7. pag. 835.

Ratification of the Articles and Instructions given by his Majesty to the Justices of Peace and their Constables, Ja. 6. p. 22. c. 8. *Anno* 1617. pag. 889. (See them as renewed *Anno* 1661, in the Act then made.)

The Act 1617. again Ratified and Confirmed, with power to the Lords of Privy Council to impose penalties on Justices that keep not their meetings, as also to amplifie and enlarge the power of the Justices, as they shall see cause, Car. 1. p. 1. c. 25. pag. 69.

Commissions and Instructions to the Justices of Peace and

and their Constables: The Iustice of Peace are to be nominat by his Majesty and Successors, and at their first meeting are to swear the Oaths of *Allegiance* and *de fideli*, &c. Car: 2: p: 1: Sess: 2 c: 32: ¶ 1, & 2: pag: 208:

They should meet four times in the year, the first *Tuesday* of *March*, *May*, and *August*, and last *Tuesday* of *October* where they should administrat justice, set down Fees for Servants, and Prices for Crafts, choose Constables, dispose of Fines, and continue or adjourn their Sessions, *ibid*: ¶ 3: pag: 209:

Any one Iustice upon complaint of a party, swearing that he hath just cause to dread another, may bind the other under a sum to the peace, and commit him till he find soverty, or without complaint he may bind both, unless they purge themselves by Oath of mutual grudge; and these Bonds to be kept by the Clerk of the Peace, *ibid*: ¶ 4 pag: 209:

A Iustice of Peace may call and compell any man to come before him, if his Rent exceed not Ten Chalder of Victual; and if such a person refuse, the Iustice may inform some of his Majesties Privy Council, that he may be fined, *ibid*: ¶ 5: pag: 210.

If the Sheriff or Baillie hath sentenced an Offender, the Iustices have no more power, But if no satisfaction be ordered to the Party, they may modifie, or if the pain or satisfaction be not condign, they may represent it to the Council *ibid*: ¶ 6 p 210 And so if any Party be thorow Collusion acquitted by an Assise, the Party once cleared is not to be farther questioned, but upon their information, the Iudges are to be called, censured, and punished by the Council. *ibid*: ¶ 7. pag: 210.

The Iustices have power to proceed on all persons committing Riots, and breaking the Kings Peace under the degree of a Nobleman, Prelate, Counsellor, or Senator of the Colledge of Iustice, and to punish and fine: And they may referr to Oath, or hold the Party as confessed, if personally apprehended, in the first Citation, or on the second Citation at his dwelling house: And for these of a higher degree, they may charge them to find Caution for the peace, and for their compearance before the Council *ibid*: ¶ 8. page 211.

They should execut the Acts of Parliament against Beggers, Vagabounds, Idle Persons, and Ægyptians and their resetters, *ibid*: ¶ 9: page 212.

They should give order for mending of High Wayes to, or from, Mercat Towns, or Sea Ports, and punish such as wrong them: And the breadth of Wayes to Mercat

Towns is declared to be twenty foot at least, and where larger, they are not to be straitned: And they should maintain the Ways to Paroch Kirks, and where they find need of a new Way, inform the Council. ¶. 10. pag. 212.

They should execute the Laws against Cutters and destroyers of Planting, green Wood, Orchards, Gardens, Hainings, breakers of Dowcats and Cunningairs, stealers of Bees or Hives, users of Setting Dogs, slayers of Red and Black Fish and Smolts in forbidden time, Fowlers in other mens Lands, makers of muir and Mossburn, setters of Cruives, Creels, and Nets in Waters or Dams, keepers of Cruives and Zairs in forbidden time. And that Commissions be granted to them to try and fine the saids Offenders, with warrand to proceed by Witnesses, or Oath of Party: But they may not medle with such as are not in their instructions, or are conveened before any other Judge. And farther, this is declared to be without prejudice of all other mens Commissions or Rights: *Ibid.* ¶ 11. pag. 213.

They should inform the Council, Thesaurer, or Advocat, at least once a year, of Fore-stallers and Regraters. *Ibid.* ¶ 12. pag: 213.

If the Barron and Master punish not the Hostler for reset of Rebels, Vagabonds, Masterless or suspect Persons within fifteen dayes, the Justices may fine them in *fourty shillings* for the first, *four pounds* for the second, and *ten merks* and loss of Liberty for the third fault, without prejudice to the greater pains wherein they may be lyable. *Ibid.* ¶ 13. pag. 213.

That they inform as said is of the breakers of the Acts against Malt-makers. *Ibid.* ¶ 14. pag. 214.

They shall set down orders in the time of Plague, and punish disobeyers. *Ibid* ¶. 15. pag. 214.

They may compell Servants to serve for their Fees, and also Masters to pay them. *Ibid*, ¶. 16. pag. 214.

They should take notice that Prison-houses be kept up, and inform the Council where they are wanting, *Ibid.* ¶: 17. pag. 214.

They may rate Paroches for weakly rate, not exceeding *five*, nor under *one shillings*, for the intertainment of poor Prisoners, and see it applied. *Ibid* ¶. 18. pag. 215.

All Magistrats and keepers of Prisons shall receive their Prisoners, the Justices seeing to their intertainment. *Ibid.* ¶ 18. pag. 215.

The Justices should set prices for Penny Bridells, Shearers Fees, and Crafts-mens work. *Ibid.* ¶ 19. pag. 216.

They should cause single and double Ale be Brewed, and

and appoint Visiters with consent of the Barron and Master, and punish Drunkards. *Ibid*: ¶ 20. pag: 216.

Three Iustices of Peace are declared a full number to decide in matters betwixt Sessions. *Ibid*: ¶ 21. pag. 216.

Justices of Peace are not chargeable on Letters of Caption. *Ibid*: ¶. 22, pag 216.

They should take care that *Linlithgow* Measure be universally used, and that there be a conformity in Measures and Weights betwixt Head Burghs and Countrey about, and for that end they may require a Note of the Magistrats and Dean of Gild, of their Weights and Measures, and inform the Council of any wrong. *And a commission granted to certain persons for that effect* ¶ 23. pag. 216. When required they shal order their Constables to apprehend contemners of Church Censures. *Ibid* ¶ 24. pag. 218. They should keep the Quarter Sessions *Ibid* ¶ 25. pag. 218.

They should appoint a Collector who should find Caution. *Ibid*: ¶. 26. pag. 218.

Justices under the degree of a Lord of the Session may have *fourty shillings per diem* for their attendance (not exceeding three dayes at one time) from their Collector: And such Justices as have the benefit of this allowance, and shall be absent from the Sessions, or when required from other *Meetings*, not excused, shall be lyable in *fourty pounds*. *Ibid*. ¶. 27. pag. 218.

The Lords of *Session* are to direct general Letters at the Collectors instance for all Fines on fifteen dayes, and no Suspension but upon Consignation of the Fine, and Caution for payment of Charges. *Ibid* ¶. 28, pag. 218.

The Justices should send in to the Council after every quarters *Session* a list of the persons committed, or put under soverty by them, with the cause. *Ibid* ¶ 29. pag. 218.

They shall Execute the Acts against Curssers and Swearers, or mockers of *Piety*, by exacting the pains statute against Swearing in this Parliament, (See *Swearing*) And that Wives be lyable in their Husbands Fines, and their Husbands pay for them. *Ibid*. ¶ 30. pag. 219.

As also, they shall execut the Laws against Fornication, and exact the pains thereof (See them in *Fornication*) the one half to be applied to pious uses, in the Paroch where the offence was committed, and the other half to be divided betwixt the *Informer* and Prosecutor, and Constable, and other uses, at sight of the Justices. *Ibid*. ¶. and pag: *Ibid. in fine*.

That they execut the Acts against Drunkenness, and Haunters of Taverns and Ale Houses, and exact the pains statut in this Parliament, (See *Drunkenness*)

As alſo againſt the keepers of ſuch *Houſes* as ſell them drink, and applie the fines as above, *ibid:* ¶ 31 page 220. That they execut the Acts againſt Profanners of the Lords day, and apply the pains as above, *ibid:* ¶ 32. pag. 220.

In Hainous Crimes, they ſhall apprehend the Perſons and Commit, or bail them, as the caſe allow, take the Accuſers information upon Oath, and bind him to Proſecute, take the Depoſitions of the witneſſes, and bind them to give evidence, and alſo take the examination of the accuſed, all which the Iuſtice, or Iuſtices ſhall certifie to the Quarter Seſſions, or Criminal Court, *reſpective ibid:* ¶ 33. page 220.

If any Nobleman, Barron, or Baillie, acclaim right to proceed againſt a Capital Offender apprehended by a Conſtable, the Iuſtice ſhall take ſoverty of him, to Miniſter Iuſtice duly, and ſhall report the ſame, *ibid,* ¶ 34. pag. 221.

That the Iuſtice twice in the year, the firſt of *December* and the firſt of *June* take up a Liſt of the Poor in every Paroch, and appoint two or more Overſeers in each paroch, to provide for them, as In the Act, and that the ſaids Overſeers accept, and diſcharge faithfully, under the pain of 20 *pounds, ibid:* ¶ 35. page 221.

The Iuſtices are impowered to call to account thoſe who exerced that Office under the late uſurpation for all fines impoſed by them, and to exact from them what hath not warrantably been diſpoſed of, *ibid:* ¶ 36: p: 223:

CONSTABLES.

That the Iuſtice in their Quarter Seſſions, appoint two or moe Conſtables in every paroch, or great Town from Sex moneths to ſex moneths, but in Burghs Royal and free Cities the Conſtables are to be choſen by the Magiſtrates, & the Conſtable refuſing to accept, or Swear, may be by the Iuſtices impriſoned, and fined, the Conſtables Oath is in the Act, *ibid:* ¶ 1, and 2. page 223.

All the Conſtables at leaſt one from each Paroch, in name of the reſt, ſhould attend the Quarter Seſſions, inform concerning breaches of the Peace, & the evidences thereof, & receive the Iuſtices Directions, *ibid:* ¶ 3. p. 224.

The Conſtables may apprehend night Walkers, ſuſpect Perſons, Vagabonds, ſturdie Beggars, Egyptians, and idle Perſons, and carry them to the next Iuſtice of Peace, *ibid:* ¶ 4: and 5: pag: 224.

The Conſtables ſhall apprehend Perſons for Slaughter, Murder, Theift, or any other Crime, and carrie them to the next Iuſtice, and require Neighbours to Aſſiſt, who

who refuſing ſhall be puniſhed by the Juſtices, *ibid*: ¶. 6. pag. 225.

They ſhall arreſt all wearers of Guns, not being in his Majeſties ſervice, or duly licenced, and carry them to the next Juſtice, *ibid*: ¶. 7. pag. 225.

They ſhould redd frayes, and call thereto the Aſſiſtance of the Nighbours. and if they get skaith, the Juſtices are to puniſh the doers of it, *ibid*: ¶ 8. pag. 225.

A Conſtable may follow a Perſon, that hath made a fray, to the Houſe he flies to, and require open Doors to be made, and upon refuſal take Witneſſes, *ibid*: ¶. 9. pag. 225.

In a freſh perſuit he may follow without his bounds, and require Nighbours to Aſſiſt, ¶ and pag. *Ibid.*

The Conſtables ſhould execut the Juſtice of Peace their Orders, *ibid*: ¶. 10. pag. 225.

Upon complaint the Conſtables may apprehend a Threatner, and carrie him with the other to a Juſtice of Peace, & if he refuſe may Impriſon him, *ibid*: ¶ 13. p. 227.

That the Conſtables, and Clerks of the Peace, be payed for their labours, out of the fines, or otherwiſe if they fall ſhort, at the ſight of the Lords of Exchequer, *ibid*: ¶. 11. pag, 225.

Laſtlie the whole premiſſes are declared to be without prejudice of any mans Right, or Priviledge of Juriſdiction whatſoever; And therefore the Juſtices may not cite any Party untill the expiring of Fifteen dayes after the Fact, and then if others neglect, they may cite and proceed, Car: 2. p. 1. Seſſ. 1: c. 38. ¶. 12. pag. 226

K

KING, See *Annexation, Diſſolution,* and *Revocation.*

That the King caule make trial by inqueſt, what Lands belonged to his Predeceſſors, and he may Summond his Tennents to ſhew their Charters, and Evidents, Ja. 1. p. 1. c. 9. pag. 3.

The King hath right to all mines of Gold, and Silver, if three half pennies of Silver may be fined out of the pound of Lead, *Ibid.* cap. 12. pag. 4.

The King may garr ſtrike new money when him likes. Ibid. cap. 22. pag. 6. *See Money.*

The Kings Governour during his Government might not annailzie from the Crown, lands fallen to it thorow the deceaſe of Baſtards, Ja. 1. p. 10. c. 133. pag. 41.

The breakers of the Kings Protection ſhould be puniſhed, Ja. 1: p: 11: c: 134: pag: 42: See it in *Protection.*

King *James* the ſecond brought by all the Earles, Lords,

Barrons, and Freeholders, from the Caſtle of *Edinburgh* to the Abbay of *Haly-rood houſe*, to be there Crowned upon the 20. of *March*, *Anno* 1437. Ia. 2. p. 1. c. 1. p. 49.

The Kings perfect age is, at twenty ane years compleat, *Ibid.* c. 2: *in fine*, *page* 50. The Act is, *Revocation of Lands*, &c. and Jam. 4. p. 2. c. 10. *in fine*, *page* 151. The Act is, *Of the Kings Revocation*, &c.

That the King ride throw the realm for the puniſhing of Crimes. And the Barrons are obliged to aſſiſt with their power, in bodies, and guder, as oft as ſhall be ſeen ſpeedful by the Council, Ia. 2. p. 3. c. 6. page 51. The Act is, *Of Reneed and Punition of diverſe Crimes.*

That it ſhall be leaſom for the King, to take deciſion of any matter that comes before him, at his empleaſance as it was wont to be of before, Ia. 3. p. 5. c. 26. *in fine*, *pag.* 101. The Act is, *The Judge ordinar being partial*, &c. See it in *Judges*.

That the King preſent to Benefices belonging to Biſhopricks, the Biſhops ſeige vaking. Ia: 3: p: 11: c. 84. page 125.

And that no man purchaſe from *Rome* Commiſſions in the contrary, *Ibid.* c. 85. page 125. under the pain of Proſcription, and Treaſon, Ia. 4. p. 1. c. 4. Page 147.

That no man break the King ſafe conduct, under the dain of Death, Ia. 3. p. 12. c. 87. page 126.

They that with holds the Kings Rents, may be diſtreinzied upon, and their Perſons brought to the King, Jam. 3. par. 13. cap: 90. pag. 128. See the ſeveral Acts for better payment of the Kings Rents, in *Chamberlane*, *Comptroller*, *and Exchequer*.

Promiſe and Oath of the three Eſtates not to countenance manifeſt Traitors, and other notorious Malefactours, but that they ſhal Aſſiſt the King, in doing Juſtice againſt them, Ja. 3. p. 14. c. 98: pag. 131. See it in *Treaſon*.

A Council choſen to the King Minor for the time by the Parliament, and made accountable to them, and the King humbles himſelf to promit to abide at their Councils, untill the next Parliament, and until then that all Gifts be granted by the King with their conſent, Jam. 4. par. 2. cap: 12. pag. 151:

That no man compel the Kings proper Tennents to doe ſervice by Coaction, or Dread, under the pain of Oppreſſion, *Ibid.* cap. 21. pag: 156:

The Priviledges, and Liberties of the Kings Forreſts, and Parks, See in *Forreſts*.

That no man doe contrary the Kings Priviledge, granted him by the Siege of *Rome*, Ja. 5. p. 7. c. 119.

pag.

pag. 255: See *Benefice* and *Clergie-man.*

That the Nomination to Prelacies, vaiking pertains to the King, and the provision to the Pope, James 5. p. 7 c: 125. *in initio pagina:* 257: See *Prelacies.* The Act is, *He that takes Places of Bishops and Abbots, after their decease commits Treason.*

Act ordaining all Signatures, and Gifts, granted by King *James* 5th, before his decease, to be exped throw the Seals, and perfected, notwithstanding his Decease, and the change of Seals, Providing they be presented betwixt and a certain day, Q. M. p. 1. c. 1. pag. 261.

Declaration of the Queens perfect age, to be at Twenty ane years compleat, Q. M. p. 10. c. 87. *in fine* pag: 330.

The same Declaration made for King *James* the 6th, and his Successors, Jam. 6. p. 11. c. 22. ¶ 2. pag. 516. As also after the running of the *anni utilies* King *James* his perfect age of Twenty five years compleat is also mentioned, Jam. 6. par. 12. cap. 162. *towards the beginning of* pag. 651. The Act is, *Annexation of the Lands and annuals mortified to the Ministers and Hospitall of Edinburgh.*

That all Kings, and Princes, or Magistrats, whatsoever holding their Place, that shall happen to reigne, or bear rule over this Realm, at the time of their Coronation, and receipt of their Princely authority, swear to serve God, according to his word, and according to the same word to maintain the true Religion, the preaching of the word, and right Ministration of the Sacraments now received, and to abolish, and gainstand all false Religion, contrary thereto, to rule the people according to Gods word, and the Laws of the Land, and to procure peace to all Christian people, to preserve, and keep the Rights and Rents of the Crown, to forbid, and repress all oppression, and wrong, and to procure Justice, and equity to all Creatures, and that they shall root out of their Lands, all Hereticks, and enemies to the true Kirk of God, Ja: 6. p. 1. c. 8. *Anno* 1567: pag: 361.

Ratification of all things done in King *James* the Sixth his name, and for maintenance of his authority by his Regents, and Others, since his Coronation, and annulling all things acted by any other authority, since that time, Jam. 6: p: 3: cap: 50: pag: 392:

Act Ratifying the Royal power, and authority over all Estates, aswell Spiritual, as Temporal, in the Person of the King, his Airs, and Successors, and that they and their Councils, are judges competent to all Persons

their Subjects, and in all matters wherein they shall be summoned, or charged to answer such things as shall be inquired of them, and that none decline the King, or his Council in the premisses, under the pain of Treason, Ja: 6: p: 8: c: 129: pag: 476:

No Council, Convention, or Assemblie, to treat, or determine in matter of State, Civil, or Ecclesiastick, (except the ordinary Judicatures) can be held without his Majesties special command, and licence, under the pain of unlawful Convocation, Ibid. cap. 131. pag. 477. (*See Convention.*)

This Act revived, and ratified, and to explaine it so as not to extend to Councils, and Conventions keept for preservation of the King, Religion, and Laws, or for the gude of the Kirk, or Kingdome, is declared to be false, and disloyal, Car: 2: p: 1: Sess: 1: c: 4: *in fine*, p. 137. The Act is, *Act asserting his Majesties Royall authority in making of Leagues, and the Conventions of the Subjects.*

Act for establishing a Horse Guard to the King of Fourtie Persons, with two Hundred pounds yearly the man, and that for that end, the King have the first years fruits of all Benefices, (Laick Patronages excepted) with all the Fruits during the Vacancy, as also the fifth part of the Rents of all Benefices yearly, beside the thirds, that his Highness hath right to, and may intromet with all Monks, and Nuns portious deceased, or who shall decease, that the Presentation, Gift, and Disposition, of all Prelacies pertaines to the King, by right of his Crown, Ja. 6. p. 8. c. 137. pag. 483:

No Leagues, or Bands, may be made amongst the Leiges, without the King Privity, and consent, under the pain of Sedition, Ja. 6. p. 10. c. 12. pag. 508. See *Leagues*, Revived and Ratified with the same rejection of the false glosse put upon the Act, Ja. 6. p. 8. c. 131. above, Car: 2: p: 1: Sess: 1: c: 4: pag: 137.

That the Kings property sustain his House, and that who intromets therewith ought to furnish the expences of the House, in ready money, Ja. 6. p. 11. c. 67. pag. 561. the Act is, *The Comptroller should answer for all Chalmerlanes.*

The Kings Casualities, should not be given away in great. Ibid. c. 70. pag. 569 See it in *Casuality.*

To strick, hurt, or slay, any person, within the Kings Inner-chamber, Cabinet, or Chamber of Presence; The King being for the time within the Palace, or within the Kings Council House, the Council siting, or in the Kings presence, where ever he be, is Treason, and if it be done within the Inner-gate of the Kings Palace where His Highness resides, for the time, it is Death, Ja. 6. p. 13. c. 177. §. 1. & 2. pag. 664:

The

The Kings of this Realm being free Princes, of a Soveraign power, having als great Prerogative as any other King, or Potentat, Therefore, they ought to have the like Customes of all gudes imported, and thereupon the Act imposing the saids Customes proceeds, Ja. 6. p. 15. c. 255 pag. 729. (See the Act in *Customes.*)

The negligence of the Kings Officers in persuing, or defending his causes, prejudges not His Majestie, but may be supplied by their Successors, in their Offices, without necessity of Reduction, Ja. 6. p. 16. c. 14. p: 772.

That no man invade, or presew another, within a mile of the Place of his Majesties residence, for the time, or resort within his Palace, or Place of residence, armed, with Jack, or Corsset, under the pain of wairding for year and day, and sinning at his Majesties pleasure, Ibid. c, 26. pag: 784.

Act acknowledging his Majesties Soveraign Authority and Royall Prerogative, over all *Estates*, Persons, and Causes, rescinding all things done or to be done in the contrary, with a faithful promise perpetually to acknowledge, obey, and maintain, the Life, Honour, Authority, and Royal Prerogative, of His Majestie, his Airs, and Successors, with Lives, Lands, and Gudes, and to withstand all who shall intend to impung, hurt, or impaire the same, and never to come in the contrary, Ja. 6. p. 18. c. 1. pag. 793.

The same Act Ratified, and the Prerogative asserted in favours of *K: Charles* the first, *Car:* 1: p. 1: c: 3: pag: 21:

The haill Estates acknowledge the King to be Soveraign *Monarch*, absolut Prince, Judge, and Governour over all Persons, Estates, & Causes, Spiritual, and Temporal within the Realm, Ja. 6. p. 18. c. 1. pag. 793.

The Temporal Jurisdiction of the Kirk, flowes from the King only, as all other Jurisdiction doth, Ja. 6. p. 20. c. 6. *in initio*, pag. 832.

The *Parliament* refer to the Kings appointment, to prescribe the habites of *Magistrats*, and Commissioners of Burrows, Lords of Session, inferior Judges, and Lawyers, and of all Kirk-men, and in what manner, and at what times, to be used, Ja. 6. p. 20. c. 8. pag. 838. (See the Act in *Apparel*) and the same power as to the Apparel of Kirk-men, is declared to remain with King *Charles* the first, and his Successors, *Car:* 1. p: 1: c: 3: *in fine*, pag: 21:

The Indiction of General Assemblies of the Kirk, belongs to the King, by vertue of his *Prerogative*, Ja: 6: p: 21. c. 1. ¶. 2. pag. 856.

The

The naming of the Commissioners for Teinds, and for the Survey of Laws, referred to the King, by the Parliament, and therefore they give warrand to the Clerk, to insert his Majesties Nominations, in the Commissions then given in Parliament. *Car:* 1: p: 1: c: 20. p. 61. The King in absence of the Lord Chancellor, Nominats who shal preside in Parliament, & other publick Judicatories, in this place, *Car:* 2: p: 1: sess: 1: c: 1: pag: 131:

The King by Prerogative of his Crown, hath the sole appointment of Officers of State, and Privy Counsellers, and the Nomination of the Lords of the Session, as preceeding the year 1637. Car. 2. p. 1. Sess. 1. c, 2. pag. 135.

As also the power of calling, holding, proroguing, and dissolving Parliaments, and Conventions of Estates, doth solely reside in the King, his Airs, and Successours, and no Parliament can be keept without the special warrand, and presence of the King, or his Commissioner, nor any Act or Statut thereof binding, without his special Authority, and approbation interponed thereto, at the making thereof, and that none offer to impugne, or doe in the contrary thereof, under the pain of Treason, Ibid. cap. 3. pag. 136.

For Asserting the Prerogative of the Crown, (which his *Majesty* holds from God Almighty alone) its declared, that the power of Arms, and making of Peace, and War, or Treaties, and Leagues with forreign Princes, and States, doth properly reside in his Majesty, his Airs, and Successours, and that they have the only right of raising the Subjects in Arms, and to command, order, disband, or otherwise dispose of them, and of all Strengths, Forts, or Garrisons, within the Kingdom as they think fit, the subjects being alwayes free of the provision, and maintenance of these Forts, and Armies, unless it be concluded in Parliament, or Convention, and all deeds in the contrary of this Act, are declared to be Treasonable, Ibid. cap. 5 pag. 138. And all Acts, and Practises contrary to these three last Acts, or thereby rescinded.

That his Majesty holds his Crown immediatly from God almighty alone, is again asserted, Car. 2. p. 1. Sess. 1. cap. 15. *circa principium*, pag. 175. The Act is, *Act rescinding and annulling the pretended Parliaments in the year* 1641. &c. and p. 3, c. 2. pag. 526. The Act is, *Act acknowledging and asserting the right of succession*, &c.

Act condemning the giving up of King *Charles* the first his Person to the *English*, at *Newcastle*, in the year 1647.

1647. and disclaiming it, as no Act of this Kingdom, but only of a faction for the time, and Declaring, that if any shall be found guilty of Transactions, and Bargains of money, for carrying on the same, they shall be pursued without mercie, as the vildest of Traitors, and be incapable of any Act of Pardon, or Oblivion, for ever, Car. 2. p. 1. Sess. 1. cap. 10: pag: 147:

Offers of Lives, and Fortunes, to his Majesty, against all deadly, in every cause, wherein his Majesties Person, Authority, or Goverment, may be concerned. As also in respect of the late troubles, and that his Majesty hath signified his resolution, to raise no more Cess. An offer, and grant is made of ane yearly Annuity of *Fourty Thousand pounds Sterling* to his Majestie during all the dayes of his Life, Car: 2: p: 1: Sess: 1.c: 13: pag. 154: See *Annuity.*

Act Declaring that what shall be determined by his Majesty, with advice of the Bishops, and such of the Clergie, as he shall Name, in the external Government and Policy of the Church, consistent with the Law of the Land, shall be valide, and effectual, as also all Church Power, Jurisdiction, or Government, is Declared to depend upon, and be subordinat to the Kings Soveraign power, as Supreme, and that it is to be Regulated, and Authorized by the Bishops under his Majesty, to whom they are to be accomptable, and all Acts in the contrary hereof, specially the Act Ja. 6. p. 12. c. 116. are rescinded, Car. 2. p. 1. Sess. 2. c. 1. *pag* 283 See the Act in *Bishops.*

These Positions, *That subjects upon pretence of Reformation, or upon any other, may enter into Leagues, and Covenants, or take up Arms against the King, or that pretending his authority, they may take up Arms against his Person, or these Commissioned by him, or suspend him from the exercise of his Government, and put limitations on their due obedience, and allegiance,* are declared to be Treasonable, and Rebellions, Car: 2: p: 1: Sess. 2: c: 2. *circa medium pagina* 289. The Act is, *Act for Preservation of his Majesties Person,* &c. See *Treason.*

Act for inbringing the Kings Rents, Ratifying the Act, Ja. 6. p. 11. c. 62. (*in Exchequer*) cap: 63. (*in Chamberlane*) cap. 79. (*in Sheriffs*) par. 14 cap. 230 (*in Chamberlane*) and p. 15. c. 262. (*in Highlands, and Isles.*) In so far as the same may be extended to the payment of his Majesties Rents, and ordaining Chamberlains, Fewers, Sheriffs, Stewarts, Baillies of Regalities, and Burghs, and others lyable therein, to find caution

caution conform thereto, and that the Thesaurer, and his Deput, charge them to doe the same at the Mercat cross of *Edinburgh*, and in case of disobedience, denounce them there, and registrate the Horning in the Thesaurers Register, which are all declared to be sufficient as to all effects of Caption, Escheat and Liferent. That Sheriffs, Stewarts, and Baillies of Regalities take and apprehend the Kings Fewers denounced for not payment of their duties, poynd their goods, and do exact diligence for getting payment within twenty dayes, with certification that they and their Cautioners shall be charged to make Payment thereof themselves, under the pain of Rebellion, *Car:* 2: par: 1: Sess: 3: cap: 15: pag; 330:

Humble tender to his Majesty of twenty thousand Foot and two thousand Horse for his Majesties service, *Car:* 2; p: 1: Sess: 3: c: 26: pag: 347: *See it in Militia.*

It belongs to his *M*alesty by vertue of his Prerogative, to order and dispose of Trade with Forraign Nations, and to lay restraints and Impositions on Forraign imported commodities, and all Acts and Statuts in the contrary are rescinded, Ibid c: 27: pag: 349:

Act asserting his Majesties Supremacy over all Persons, and in all causes Ecclesiastick, and that by vertue thereof the ordering and disposal of the external Government and Policy of the Church doth belong to him and his Successors, as an inherent right to the Crown; and that he may enact and emit such Constitutions, Acts and Orders concerning the Administration of the said Government, and Persons imployed in the same, and concerning all Church-meetings, and matters to be proposed and determined therein, as he shall think fit, and all Laws and Customs in the contrary are rescinded, *Car:* 2: p: 2: Sess: 1: c: 1: pag: 377:

The Kings Succession, or the Succession to the Crown afferted, *Car:* 2. p: 3: c: 2: pag: 526. See it in *Succession.*

Act declaring that in respect his Majesty is the Fountain of all Jurisdiction, therefore, notwithstanding of the Officcs conferred upon any, yet he may by himself, or any Commissionat by him, take cognizance and decision of any cases or causes he pleases, *Car.* 2. par. 3. c. 18. pag. 555.

KIPPER. *See Salmond.*

KIRK. *See Manses, and Ministers, & Teinds.*

That the Holy Kirk and its Ministers brook their Freedoms, and none let them to set their Lands and Teinds, Ja 1. p. 1. c. 1. pag. 1. That

That Holy Kirk be kept in freedom, and no man vex Kirk-men in their persons and goods, under all highest charge, Ja. 2. p. 3 c. 4 pag. 51.

That the liberty and honour of Holy Kirk be observed, Ja 3: p: 1. c: 1: pag: 89: and p: 5: c: 25: pag: 100 Ja: 4: p: 2: c: 7: pag. 149: Ja: 5: p: 1: c: 1: pag: 197: and par: 7: c: 125: pag: 257: The Act is, *He that takes places of Bishops*, &c. and Ia: 6: p: 11: cap: 23: pag: 516:

That general Process, and Cursing be made against the breakers of the liberty of Holy Kirk, and that no notour Invasours of the Kirk nor cursed Persons be received in the Kings Palace, Presence, Councel, or Parliament, nor heard in any Cause, till they make amends, Assith Party, and obtain absolution, Ja. 2. p. 4. c. 7. pag. 52 See *Cursing and Excommunication.*

Perturbers of the Kirk in time of Divine Service, or Preaching, incur the pains following; The Prelat or Lord *ten pounds*, the Barron or inferiour Ecclesiastick Dignity *five pounds*, the Free holders, Burgess, or other Beneficed man, *fourty shillings*, and others *twenty shillings* for the first fault, doubling thereof for the second. and wairding and banishing year and day for the third, And that the Kirk masters gar leish Bairns that Perturbs the Kirk, Q. M. p. 5. c. 17. pag. 280.

That a person under Cursing, refusing to remove (being charged) the time of Divine Service, be punished as a Perturber, Ibid: cap. 18. ¶. 2. pag. 281.

That no Horning be direct against Kirk-men for payment of their Tax, providing the Clergie find some other sure way for inbringing thereof, Q. M. p. 6. cap. 55. pag. 304.

That the Lords of Council put order to the re-parrelling of Kirks, and Kirk-yairds, Q. M. p. 9 c. 76. pag. 322.

Ratification of this Act, and the Councils order following thereon, upon the thirteenth of *September* 1563. With this addition that where the Parochiners refuse to elect persones to Tax themselves, or where there are no Deacons, to Collect it, That there the Bishops may chuse both Stent makers and Collectors, That the abstracters of the materials of Kirks demolished may be conveened therefore before the Bishop, and that Letters of Horning be direct on their sentences, Ja. 6. par. 3. cap. 54. pag. 396.

That the Ministers of the Evangel, and people now professing Christ as offered in the Gospel, and Communicating in the Sacraments, as now administrat, conform to the Confession of Faith, are Christs true and holy

holy Kirk, and that all that gain-say the said Evangel, as professed, or refuse the said Sacraments, are no members of the said Kirk, Ja. 6. p. 1. c. 6. *Anno* 1567. p. 359. Ratified p. 3. c. 47. pag. 389. and par 6. c. 68. pag. 409

That the examination and Admission of Ministers be only in the power of the said Kirk without prejudice to the Patrons rights, Ja. 6. p. 1. c. 7, ¶ 1: pag. 360. See *Patrons*. The Teinds are said to be the proper Patrimonie of the Kirk, Ibid. cap. 10. *circa finem* pag. 362. The Act is, *Anent the thirds of Benefices* &c.

Ratification of all Civil Priviledges granted to Kirkmen, Ibid: cap. 24. pag: 373.

Ratification of all former Acts in favours of the true Kirk and Religion then professed, Ja. 6. p. 2. c. 35. *Anno* 1571. p. 380. p. 5. c. 61. pag. 403 p. 6. c. 68. pag. 409. p. 7. c. 99, pag. 441. (This Act contains a full enumeration of the Acts therein Ratified) Ja. 6. p. 12. c. 116. pag. 607: (whereby the Acts, p. 6. c. 68. and p. 7. c 99. are more especially confirmed, and Presbyterian Government established) and Ja. 6. p. 16. c. 16. pag. 773

The Jurisdiction of the Kirk declared to stand, in the Preaching of the Word, Correction of manners, and Administration of the Sacraments, and that there be no other face of Kirk then what is now established, and that there be no other Ecclesiastick Jurisdiction within this Realm anent the premisses, but what is in, and flows from the samine Kirk, Ja. 6, P. 6. c. 69. pag. 410.

That troublers of the Kirk, or who raises any fray therein, or in the Kirk-yard the time of Divine Service, be punished by tinsel of all their *Moveables*, Jam. 6. p. 11. cap. 27. pag. 519.

Act establishing Presbyterie in its General and Provincial Assemblies, Presbyteries, and Kirk Sessions, with the whole Jurisdiction and Discipline of the Kirk, as agreed to by the King and the Kirk, and contained in certain Articles insert in the Act. As also abrogating some particular Acts, and all other in general for the Popes Authority, with an Act Ja. 3. for observing the *Saturday* and other Vigils, An Act Q. M, for holding of *Pasch* and *Yuill*, and all other Acts and Laws against the true Kirk, Jurisdiction, and Discipline thereof, are abrogat. It is also declared, that the Act Ja. 6. p. 8. c. 131. confirming the Kings Royal power, doth not derogat from the power of the Spiritual Office-bearers in the Kirk, concerning *Religion*, Heresie, Excommunication, Collation, and Deprivation of Ministers, and such like essential Censures, specially warranted by Gods Word

Word; and all Presentations are ordained to be made to Presbyteries, Ja. 6: p. 12. c. 116. pag. 607. But this Act abrogat first in part, Ja. 6. p. 21. c. 1. *in fine* pag. 859. And then totally, Car. 2. p. 1. Sess. 2. c. 1. *in medio pagina* 285. Both in *Bishops*.

All Committers of Slaughter within Kirks or Kirk-yeards the time of Prayer, Preaching or Ministring the Sacraments, being denounced therefore, and all declared resetters of them after their said denounciation, fine their life-rents aswell as their simple escheats to the King, Ja. 6 p. 12. c. 120. pag. 613.

A person being charged by the Beddle, and thereafter by the Minister of the Paroch three severall *Sabbaths* from Pulpit, in the Name of *God* and the King, to obey a sentence of the Kirk against him; And refusing, may be Cited upon suplication of the Judicatorie that gave the sentence, before the Lords of session, that Letters of Horning on an charg of ten days be direct against him in case of disobedience, Ja. 6. p: 13. c: 164: p: 657.

All Common Kirks declared to be of the nature of other Parsonages and Vicarages, and ordained to be conferred to Ministers by Presentation and Collation, Ja: 6: par: 14. cap: 199. pag: 689.

That the Parochiners repair the Kirk yeard dykes with stone and *Morter* to the hight of two ells, with sufficient stiles and enteries, and that the Lords of Session direct Letters hereupon as effeirs, Ja. 6. p. 15: c: 236: pag. 718:

That *Synods* of the Kirks of every Diocie be held twice a year, in *April* and *October*, and where the Diocie is large that there be two or three Synods in convenient places for the Ministers their ease, Ia: 6. p: 21: c: 1: ¶: pag: 856.

That Kirks be provided of Basons and Lavers for Baptisme, and Cups, Tables and Table-cloaths for the holy Communion, at the expence of the Parochiners: And that the Minister keep the same, and he and his Airs, and *Executors* be answerable therefore in case they be either lost, or used to profane ules, and that the Ministers raise Letters, and do diligence hereupon betwixt and the first of *February*, 1618. Ia: 6: p: 22: c: 6: pag: 887.

KIRK-LANDS.

That no Few or Tack of Kirk-lands obtained since the sixth of *March*, 1558. be a good Title for warning and removing the kindly Tennents and Possessors of the same until *Whitsunday*, 1566, without the Queens licence had in Writ; And that no kirk-man whatsomever set Fews or Tacks of Kirk-lands for the space of three years

next

next to come, without the like licence, Q: M: p: 9: c: 77: page 323.

That all Confirmations to be granted by the Queen, of Infeftments of Kirk-lands given since the sixth of *March* 1558, be als valid as the Popes Confirmation was of before, providing that such of the saids Infeftments as are not confirmed be of none avail, Q: M: p. 10: c: 88: pag: 331:

That all Fews of Kirk-lands set either before or after the eighth of *March*, 1558. be brought in and confirmed for the rates mentioned in the Act; And that all such Fews set or to be set, and not confirmed, be null by way of exception, and also reducible at the instance of the Kings Advocat, for this sole reason, Jam. 6. pars cap. 7. pag. 502.

But this Act as to all Fews set preceeding the eight of *March*, 1558. in this manner corrected, That all Fews set by Prelats, of old being authorized by the subscription of King *James* the Fifth, or any of his Predecessors and their privy Seal, are declared to be good, valid, lawful, and perfect, and as effectual as if the Pope or Kings most solemn confirmation were therewith produced, Ja. 6. p. 13. c. 190. pag: 675.

That no erection of Kirk-lands, or Teinds in Temporal Lordships, made since the Act of Annexation, 1587. be Ratified; And that none be made in time coming declaring the same to be null. Excepting all Erections of parts of Kirk-lands already erected in favours of such who since the Act of Annexation have been made solemn by Lords of Parliament, by Belting and other Ceremonies, and have sitten therein, Ja. 6: p. 12: cap. 121. pag. 613.

All erections granted and Ratified since the Act of Annexation of the Temporalities of the Kirk, 1587. and not therein excepted, rescinded, and declared null, Ja. 6. p. 14. c. 198. pag. 689.

The superiorities of all Kirk-lands, with the Casualities of the saids Superiorities, not disponed before the Commission of Surrender, dated 17. *January*, 1627. And also the whole Few-mails and other Rents thereof since the said Commission, declared to belong to the King, reserving to the Titulars of Erection, as in the Act of Annexation then made, Car. 1. p. 1. c. 10. ¶ 2: p: 34. And that all right of Property the saids Superiours had the time of the said Surrender, be holden of his Majesty, as it held before the Erection, excepting the Superiorities belonging to Arch-bishops, and Bishops, and their

Chap-

Chapters from this Act, Car. 1. p. 1. c. 14. pag. 45. See the said Act of Annexation, Car. 1. p. 1. c. 10. pag. 33. with the Ratification thereof, Car. 2. p. 1. Sess. 1. c. 53. pag. 252. in *Annexation.*

L

LABOURING.

Men of simple Estate that should be Labourers, should either have half an Ox in the Plough, or else delve each day seven foot square, under the pain of an Ox to the King, Jam: 1. par. 2. cap. 41. pag. 10.

That each man having a plough of eight Oxen, sow at least a Firlot of Wheat, half Firlot of Pease, and fourty Beans yearly, under the pain of *ten shillings* to be exacted by the Barron who is to sow as much on his own Domains, and to exact the said Fine from his Tennents, under the pain of *fourty shillings*. Ja. 1. p. 5, c. 81. pag. 22. and Ja. 2. p. 14. c. 81. pag. 83.

LAND-LORDS.

That every Master that is Lord, Barron, and Freeholder, answer for his own men dwelling upon his bounds within the Shire, to enter them to the Law, or be lyable for their un law, Ja. 5. p. 3, c. 6. pag. 200.

That all Masters, and namely Land-Lords within Towns, be holden to enter and present to Justice, persons within their bounds, or dwelling in their houses, suspected to be Thieves, Harlots, resetters of Thieft, or Vagabonds, and that therefore the Land-lords within Towns, or their Suburbs, take soverty of their Tennents for their relief, Ja. 6. p. 14. c. 231. at the marginal note *Of Tennents and Indwellers in other mens houses*, p. 712. The Act is, *For punishment of Theift, Reif, &c.*

That Land-lords and Masters be lyable for their Tennents, Cottars, and Servants sentenced for Field Conventicles, or reset of Preachers Intercommuned, or declared Fugitive, either to pay their Fines, or to put them out of their Lands or service, or present them to Justice, as in the Act, Car. 2. p. 3. c. 4 pag 531. The Act is, *For securing of the peace of the Countrey.*

LANTERN, See *Fire.*

LAW-BORROWS.

When two Parties are assured by Burrows, If any friend to either slay the other, he shall die therefore, and his

his Goods be eſcheat: And if he Felloniouſly hurt, or defoul, aſſailie and with Edge or Ure, he ſhall be Impriſoned, aſſith the Party, and make amends to the King or Lord as effeirs, Ja. 1. p. 6. c. 97. pag. 28.

If a man dread another, and ask ſoverty, and prove his ground of feer by his own Oath, or otherwiſe; If the Sheriff do not his Office, he pays *fourty pounds* to the King, and aſſiths the Party, Ja. 1. p. 9 c. 129. pag. 40.

That in the caſe forefaid, the Sheriff and other Officiars take Burrows of peace after the former Act, Ja. 2. p: 6. c: 13: *in medio*, pag. 55.

The pains of breaking of Law-Burrows declared to be according to the degree and quality of the perſon on whom they are broken; But the Act is only appointed to endure untill the next Parliament, Ja. 3. par. 1. cap. 5. pag. 90.

That upon complaint of a Party Law-burrows be found, that he ſhall be harmleſs and skaithleſs in his perſon or Goods, under what pain the Lord Chancellor or Juſtice ſhall modifie, Iames the 4: par: 2: cap: 27: pag: 159.

That the pains of Law-borrows be divided betwixt the King and the Party, and that the Party have Action therefore, Ia: 6: p: 6: c: 77. p: 425. & p. 13. c. 170, p: 661:

That the form of Letters of Law-borrows charge the Perſons complained upon to find Law-borrows that the Chargers, their Wives, Bairns, Tennents and Servants ſhall be harmleſs and skaithleſs in their Bodies, Lands, Tacks and Poſſeſſions, Goods and Gear, and on no wiſe to be moleſted or troubled therein by the Perſons charged, or any other of their cauſing, ſending, hounding, reſetting, command aſſiſtance and Ratihabition, whom they may ſtop or let, directly or indirectly, otherwiſe then by order of Law and Juſtice, under great pains, to be modified by the Lords of Seſſion, and other Iudges ordinary, and divided as in the former Act. Ia: 6: p: 7: c: 117: ¶: 2: pag: 463: *See Pains*, and the pains of Law-borrows their ſet down by the Act, Ia: 6. p: 13: c: 170: pag: 661:

That no Letters of Law-borrows be granted againſt Complices in general, and that Caution be found to the Iuſtice Clerk and his Depute that they ſhall be duly execute, Ia: 6: p: 11. c: 86: pag: 576, See *Executions*.

That the perſon charged by Letters of Law-Borrow be lyable to the pains of contravention, albeit he be denounced for not finding Caution, and that in caſe of Caution found, both he and his Cautioner be lyable, Ia: 6: p. 15: c: 273: pag: 741.

LAWS, *See Parliament.*

That all the Kings Leiges live and be governed by the Kings Laws, and under no particular Laws, nor Laws of other Countreys, Ia: 1: p: 3: c: 48: pag: 12: And this is specially statute for the Iles, Ia: 4: p: 6: c: 79: pag: 185. And these Acts Ratified, and all Iurisdictions not authorized by King and Parliament, discharged, Ia: 6: p: 8: c: 131: pag: 477: See *Iurisdiction:*

Commission for reviſing and mending the Books of Law, that is *Regiam Majestatem*, and *Quoniam Attachiamenta*, Ia: 1: p: 3: c: 54: pag: 142:

The ſame Commiſſion given to four of each Eſtate, for examining the Kings Laws, *Regiam Majeſtatem*, and other Acts, and Books, Ia: 3: p: 14: c: 115: pag: 142: Laws ſhould be extended *ad futura & non ad praterita*, Ia: 6: p: 10. c: 19: *circa finem*, pag: 513: The Act is, *Addition to the Act anent dowble poynding*, See it in *Poynding*, And Ia: 6: p: 13: c: 186. pag: 670: See it in *Prelacies*.

LEAGUES and BANDS.

That no Leagues nor Bands be made amongſt the Kings *Leiges*, and that ſuch as are made be not kept, Ia: 1: p: 2: c: 30: pag; 8:

That no *Leagues* nor raiſing of Commons be made in Burrows, to the hindering of the *Law*, but at command of the head Officiar, under the pain of Confiſcation of Goods, and their lives to be at the Kings will, Ia: 2: p: 14: c: 77: pag. 82: Ia: 4: p: 3: c: 34. pag: 161: and p: 6: c: 87: pag: 187. Ratified Ia: 6: p: 18: c: 17: pag: 814:

That all *Leagues* made in time by gone among the Subjects be null, and that none be made in time coming, under the pain of wairding during the Queens pleaſure, Q: M: p: 6: c: 43. pag. 298: *See Man-rent:*

And this Act Ratified, annulling all Leagues and Bands already made in the contrary, and diſcharging any to be made in time coming without his Highneſs privity and conſent, under the pain to the Makers to be holden and execute as movers of Sedition, Ia: 6. p: 10: c: 12 pag: 508,

Revived and Ratified, and that to explain this Act ſo as not to extend to *Leagues* and Bands made for preſerving the King, *Religion* and *Laws*, for the good of Kirk and Kingdom, is falſe and diſloyal, Car. 2. p. 1. Seſſ. 1 c. 4. *in fine* pag: 137. The Act is, *Act aſſerting his Majeſties Royall Prerogative in making of Leagues*: &c. The Kings Authority & true Religion to be maintained

againſt

againſt all enemies, ſpecially thoſe of the holy League bound to execute the decrees of *Trent*, Ia. 6. p: 3: c. 47: pag: 389. See it in *Religion*.

That the League called *The Solemn League and Covenant*, and all that followed thereon, are not obligatory on this Kingdom, to medle or interpoſe by Arms, or any ſeditious way, in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or his Majeſties Government there; and that none require the renewing or ſwearing, or renew and ſwear the ſaid League and Covenant, or any other Covenant or Oath concerning the Government of the Church or Kingdom, without his Majeſties ſpecial warrand and approbation, under all higheſt peril, Car. 2. p. 1. Seſſ. 1. c. 7. p. 139. And this League and Covenant is thereafter declared null and void, Car. 2, p. 1. Seſſ: 2: c: 2: *circa medium*, page 289. The Act is, *Act for preſervation of His Majeſties perſon*, &c. And appointed to be diſclaimed and renounced by the Declaration enjoyned for that effect, *ibid.* c. 5. *in fine* page 296. and Seſſ. 3. c. 2. *in fine* page 317. See *Declaration*. And *Teſt*, Car. 2, p. 3. c. 6. page 538.

LEASING MAKING.

Leaſing makers, and Tellers of them, to the engendering of diſcord between the King and his people, tine life and goods to the King, Ia 1. p. 2, c. 43. page 10. Extended to ſuch as make evil information of the King to his Leiges, as well as to theſe that make Leaſings to the King of his Leiges, Ia, 5. p. 6. c. 83 page 236.

Speakers of unreaſonable Communing, to the occaſioning of Conſpiracy againſt the Prince, or of ſedition, to be puniſhed at the Queens pleaſure, and that the hearer make report to the Queen or her Officers, under the ſame pain, Q. M. p. 6. c 60: page 307. The Preface of the Act mentions the ſowing of evil brute anent the *French* then in the Realm.

That all ſuch as privatly or publickly in Sermons, Declararions, or familiar Conferences, utters Slanderous, or untrue Speeches, to the reproach of his Majeſty, his Councel and proceedings, or to the diſhonour or hurt of his Highneſs, his Parents, or Progenitors, or who hear the ſame and report not with diligence, or who meddle in the affairs of his Highneſs and his eſtate, preſent, bygone, and in time coming, be puniſhed as Leaſing makers, Ja. 6. p. 8. c. 134. *in medio*, pag. 481:

That

That none deprave his *Majesties* Laws, and Acts of Parliament, or misconstrue his proceedings, to the moving of any mislike betwixt his *Highness*, and his Subjects, under the pain of Death, Ja. 6. p. 10. c. 10. pag 507.

And all these Acts Ratified, (except that of Q. M.) with this addition, that Hearers, and not Apprehenders, if in their Power, and Concealers, and not Revealers, be punished as the Principal Offenders, Ja. 6. p. 14. c. 209. pag. 695.

And these Acts extended against the Authors, or Publishers of slanderous speeches, or writs, of the Estate, People, or Countrey of *England*, or any Counsell out thereof, tending to the remembrance of ancient grudges, or the hinderance of the then intended union, or whereby hatred may be fostered, or mislking raised, between his Majesties subjects of this Island, and they are ordained to be severely punished in their Persons and Gudes, at his Majesties pleasure, and siclike of Hearers, and Concealers, Ja. 6. p. 20. c. 9. pag. 840.

LENTRON.

That no man unlicensed eat flesh in Lentron, or other forbidden times, under the pain of Confiscation of all their Moveables, and if they have none, that they be punished in their Persons, Q. M. p. 6 c. 36. ¶ 2. pag. 294.

That no man eat flesh in Lentron, or on Weddensday, Friday, and Saturday, under the same pain of escheat, Ja: 6. p. 9. c. 5. pag. 500.

Ratified and that no Licences be granted in the contrary, without the Testimonial of a *Doctor* of Medicine, or a Minister, and *Twenty pounds* of Composition payed therefore, and that for a Licence to slay, and sell, or to a Cooke to make ready, be payed, *An Hundred pounds*, Ja. 6. p. 11. c. 58. pag. 563.

Lentron defined, to be from the first of *March*, *inclusive*, to the first of *May*, *exclusive*, and the former Acts Ratified: But innovating the pains as followes, and that no Lambs, or young Veals, be slain, or eaten under the pain of *Ten pounds* for the first, *Twenty pounds* for the second, and *Pourty pounds* for the third fault: And so the pain to grow as the offence multiplies, and That in each Burgh, Searchers be appointed, one by the Thesaurer, another by the Burgh, to persew Offenders, and the half of the penalties to the King, and the other half to the Burgh, and that no Licences be granted

granted, without a Teſtimonial of a Miniſter, and Doctor of *Medicin*, Apothecary, or Chirurgion, and that it be of no force, unleſs the Teſtimonial be produced with it, Ja. 6. p. 14. c. 225. pag. 704.

LEPER-FOLK.

Order anent Leper-folk, Ja. 1. p 7. c. 105 pag. 33.

LICENCES.

That Licences granted by his Majeſty for tranſporting forbidden gudes, be ſubſcribed by the Comptroller, otherwiſe are of no avail, Iam. 6. par. 10. cap. 15. pag. 510.

That all Licences, and Exemptions, from Raides, and Aſſiſes, or for tranſporting forbidden gudes, be ſubſcribed by the Theſaurer, and Regiſtrat in his Regiſter, otherwayes are null, Ia: 6: p: 12: c. 128: ¶ 2: pag: 625. The Act is, *The names of all Rebels ſhould be delivered to the Theſaurer*, &c.

That all Licences for exporting, or importing of forbidden gudes, be granted by the Privy Councel, and componed, and paſt all the Seals, or otherwiſe they are null, Ia: 6: p: 16: c: 151 *in fine* pag: 773.

LIFE-RENTER, *See Conjunct-fier.*

LINNEN YAIRN, and CLOATH.

That no *Linnen* Yairn be exported under the pain of Confiſcation, half to the King, and half to the Attacher, that Linnen Yairn be ſold by weight, and that no Reel be ſhorter then Ten quarters, under the pain of eſcheat of the Yairn brought to the Mercat of a ſhorter Reel, to be divided as ſaid is, that all Linnen Cloath of the price of *Ten ſchillings* the Eln, or above, be made of the breadth of an Eln, and two Inches, under the pain of Impriſonment of the Weaver for fourteen dayes, and *Twentie pounds* beſide to the Judge Ordinary, and the eſcheat of the Cloath to the Attacher, and that Linnen Cloath be taken up by the Selvedge, and not by the Ridge, and that it be bleeched without Lime, under the pain of *Twentie pounds* for each fault, to be payed to the Iudge Ordinary, Car. 2. par. 1. Seſſ: 1. cap. 41. pag. 241. The Act is, *Act diſcharging the exportation of Linnen yairn*, &c.

That all Linnen Cloath brought to Mercat, be made up of peeces, and half peeces, the peece twentie four, and the half peece twelve Elns, and that it contain not one Eln more or leſs, under pain of Confiſcation, and

and that Linnen be taken up in folds, Car: 2: p: 3: c. 12. *circa finem pagina*, 547. The Act contains several other things.

LINT.

That no Green Lint be laid in Lochs, or Burns, under the pain of *Fourtie shillings*, and Confiscation of the Lint, *toties quoties*, to the poor of the Paroch, and the Kirk Sessions are impowered to Execut this Act, Ja. 6. par. 18. cap. 13. pag. 812.

LITSTER.

That no Litster be Draper, or a Cloath Merchant. under the pain of escheat, Jam. 2. p. 14. c. 66. pag. 78.

LOCALITY.

All Localities for furnishing and carrying Corn, Straw, Hay, or Grass, to Souldiers Horses, discharged, as in the Act, Car: 2: p: 3: c: 31. *in medio*. pag: 529. The Act is, *Act for a voluntary offer of a new supply to the Kings Majesty:*

LOCH-LEVEN.

That none slay Pykes, Pearches, Trouts, or any other Fishes, in the Watters, Stripes, or Burns that fall into, or run from Lochleven, within the space of five miles thereto, under the pain of *Twentie pounds, toties quoties*, Declared to appertain to the Earl of *Mortoun*, and his Son. Proprietars of the said Loch, and their Airs, and Successors, and for that end they are impowered by themselves, or their Baillies, to convein, and try Offenders, within the Town of *Kinrosscher*, and Letters of Horning on Sex dayes, are ordained to be direct on their Sentences, Car. 1: p: 1: c: 29: pag: 721:

LOOSING of ARRESTMENT.

See Arrestment.

LOW-COUNTRIES, See conservator.

That an Incorporation be made of the *Scots*, in the

Low-Countries, & their Priviledges, ordaining the *Scots* residing there, and pretending to the saids Priviledges, to give their Oath of obedience to the King, and his Laws, as if they were dwelling in *Scotland*, and that they Pay for their entries, *Ten pounds Flemish*, and the persons refusers, to be deprived of all Benefit of, or commerce with, his Highness Leiges. Ia. 6. p. 6. cap. 96. pag. 438.

That no Ship passand to the Low-Countries, land any mans gudes but at *Campvere*, or the ordinary staple and that no Person go on Land, or take any thing out of the Ship, until his arival there, under the pain of *Ten pounds Flemish*, and the Conserv ator should take the Merchant, and Skippers Oaths thereanent, *Ia.* 6. par. 15. cap. 262. pag. 735.

That Merchants coming from the Low-countries, give to the Conservator an accompt of the quantity, and quality, of their gudes, under the pain of Confiscation thereof, and that a subscribed Cocquet thereof be sent home to the Thesaurer, Ibid: cap: 264: pag: 735:

LYON King of ARMES.

That he hold two Peremptour Courts in the year in *Edinburgh*, upon the 6: of *May*, and 6: of *November*, and call Officiars of Armes, and their Cautioners upon complaints, and try them, and if culpable, that he not only deprive them, but that the Cautioner incurre the pain, whereof a third to the Lyon, and that his Decreets be registrat, and that *Letters* conform pass thereupon, as effeirs, Ja. 6. p. 11. c. 46. *in fine*, pag. 557. See *Messingers*.

The Lyon and his Brethren, the Heraulds, are impowred to visit the whole Armes of *Noble*-men, and Gentlemen, and to distinguish them with congruent differences, and matriculat them in their Books, as also to inhibit such to bear Armes, as by the Law of Arms, ought not to bear them, under the pain of escheating the thing whereupon the saids Arms are found to the King, and of *an hundred pounds* to the *Lyon* and his Brethren, or of *Imprisonment*, during the *Lyons* pleasure, that by the advice of the Lords of the Session, he deprive such Officiars of Arms, as he finds unworthie, and take Soverty of the rest, with power to add to their *Injunctions*, by advise of the saids *Lords*, that all Magistrats (as required) concurre with the Lyon to execut the Acts in his favours, under the pain of Rebellion, with Cer-

Certification, that Letters shall be direct against them, *simpliciter*. Ja: 6. p. 12. c. 127. ¶ 1. pag. 622.

That the Lyon deliver to the Thesaurer, or his Clerk the Names of the Officiars standing, and of their Cautioners, as also those deprived, Ibid cap. 128. ¶. 3. pag. 625. The Act is, *The names of all Rebels should be delivered to the Thesaurer.*

That the Lyon, and his Clerk, be charged twise a year, to produce their Books of the Soverties of Officiaries of Arms to the Thesaurer, for geting in the half of the penalties of such as are deprived, Jam: 6. p. 14. c. 212. pag. 697:

Act Ratifying the Act Ja. 6. p. 12. c. 127. As to the Lyons power of visiting of Arms, and ordering all Arms and signes Armorial, to be produced to him, to be matriculat, & duly distinguished, that he may give extracts for which to be payed by Prelats, and Noble-men, *Twenty merks*, by Knights and Barrons *Ten merks*, and by every other Person bearing Arms, *five merks*, and who uses Armes otherwise, to be lyable in the pains of the said former Act. The Lyon, and his Brethren, are likewayes declared Judges, as to the malversation of Messengers, and to have all other Priviledges belonging to their Offices, Car. 2: p. 2: Sess: 3: c: 21: pag: 506:

M

MADE-WORK.

That no Tradsman import made work belonging to his Trade, or vend the same, or any such Ware brought home by Merchants, in their Shops, or otherwise, under the pain of Confiscation, half to the King, half to the Apprehender, and Persewer, Car. 2. p: 1. Sess. 1. c: 47. pag. 247. See *Craft*, and *Trade*.

MAIRES, See *Messengers*.

MACERS.

That Macers be sworn, to be faithful, and secret, and the price of their labours, *Two shillings*, Ja. 5. p. 5. c. 62. and. 63. pag. 223. See it in *Session*.

MALT-MEN.

That all *Malt* makers preſent their *Malt* to the Mercat, and ſell none till nine houres, under the pain of eſcheat of the *Malt*, and that they take no more then an Boll of the Beir, for making the chalder of Malt, under the pain of Oppreſſion, Ja: 4: p. 6: c: 92: pag: 188:

That Malt-makers take only *Two ſhillings* more for the Boll of Malt, then the Boll of Beir is ſold for, under the pain of eſcheat of the Malt, and of Oppreſſion, Ja: 5 p: 4: c: 29. pag: 212:

That Malt-men have no Deacons, nor be reputed Cratt for ever, Ja: 6: p: 1: cap: 29: pag: 375:

Ratified, abrogating an Act of the Town of *Edinburgh*, *Anno* 1646: Whereby *Malt*-men, and Brewers were made one of their Trades, and they are diſcharged all meettings, or correſpondence in any Burgh. under the pain of *Five Hundred merks* the man, *toties quoties*, half to the *Informer*, and what farther Perſonal pains the Privy Council ſhall pleaſe inflict, Car: 2: par: 2: Seſſ: 1: cap: 15: *circa finem* pag: 408 and 409:

MAN-RENT.

All Bands of Man-rent, or maintenance, alreadie given, declared null, except heretable Bands given of before, or given for the Aſſiſthment of Slaughter in time by gone, and all ſuch bands are diſcharged for the future, and that all deeds done, or given therefore, return to the Givers, and that the Givers, or Taken of ſuch bands in time coming, be puniſhed by wairding: Q: M: par: 6: c: 43: pag: 298: This Act is, *Anent Leagues and Bands.*

MANSE, and GLEIB.

That no Parſon, Vicar, or Other Kirk-man, ſet in Few, or long Tacks, their Manſes, or Gleibs, without the Queens Licence, That the Miniſter ſerving the Cure, have the principal *Manſe* of the Parſon, or Vicar, or ſo much of it as may ſtaick him, whether the Gleib be ſet of before, or not, or that a reaſonable Houſe be built him, by the Parſon, or Vicar, or their Fewers, or Tackſ-men, and ſo much Lands thereto annexed, as ſhall be appointed thereafter, Q: M: p. 9: c: 72: pag: 320:

And

And for explantation of this Act, it is appointed that the Parson, or Vicars Manse, most eweſt to the Kirk, with four aikers, or ſo much as there is of the Gleib moſt eweſt to the Manſe, ſhall pertain to the Miniſter, or Reader ſerving at the Kirk, to be deſigned by the Biſhop, with advice of two honeſt men of the Paroch, and that on the Biſhops Teſtimonial, and the Parties Bill, Letters be direct on Ten dayes, charging the Poſſeſſours to remove. That their Manſes, and Gleibes be not annailzied, or ſet in Few, or Tack, in prejudice of the Succeſſor: That if the Fewer, or Tackſman, have made ſumptuous Biggings, or be unwilling to remove, then the Biſhop agree the matter, by getting the Miniſter another Manſe, as good as the Manſe ſet was the time of the ſetting, with certain aikers of Land adjacent thereto, or otherwayes, that the Fewer, or Tackſ-man, remove *ſimpliciter*, but the Fewer, or Tackſ-man removed, is to have a deduction of his Maill, and alſo of his entries Silver *Secundum ratam*, Ja: 6: p: 3: c: 48: pag: 390:

Theſe Acts extended to all Abbacies, and Cathedral Kirks, where no other Parſon, or Vicars Manſe was of before, ſo that the Miniſter ſerving the Cure, is to have a ſufficient Manſe within the precinct, (or els the Abbot, or Fewer is to give him one als eweſt, and commodious) together with four aikers of the beſt, and moſt commodious Land lying contigue, and moſt eweſt to the *Manſe*, which pertained to the Abbacie, or any Member thereof, Ja: 6: p: 12: c: 118: pag: 611:

That where of old there hes been no Gleib, or the Gleib leſs then the four aikers that the deſignation be made of the Parſon, Vicar, Abbot, or Prioreſs Lands and failzieing thereof, out of the Biſhops Lands, Friers Lands, or any other Kirk Lands within the Paroch; And that Gleibs be deſigned, with freedome of Foggage, Fewel, Faill, Deviot, loaning, free iſch, and entry, and other Priviledges according to uſe and wont Ja: 6: p: 13: c: 165: pag: 658: and 659:

That the Fewers, Poſſeſſors, and Tackſ-men, out of whoſe Lands as moſt eweſt to the Kirk, Manſes and Gleibs are deſigned, have releif off the other Fewers, Poſſeſſors, and Tackſ-men, within the ſame Paroch, *pro rata*, Ja: 6. p. 14: c: 202. ¶ 2: pag: 691:

That where there is no arrable Land adjacent to the Kirk, four ſoums graſs of the beſt, and moſt commodious Paſturage of Kirk-lands, within the Paroch, be de-

signed, in manner foresaid for each of the saids four aikers, Ja: 6: p: 18: c: 7: pag: 807:

And as Gleibs are Teind free, Ja: 6: p: 5: c: 62: pag: 403: (in Gleibs,) so are thir soums Grass, Ja: 6: p: 23: ca. 10: pag: 971: See *Gleib.*

That all Bishops, and other Ecclesiastick Persons, build, and repaire their Manses, and if they suffer them to decay, that their Executors be lyable to their Successours, as also that their Successours be oblidged to give satisfaction to their Executors for the expences of reparation they shall make, at the sight of two or three Bishops, not exceeding *a Thousand pounds*, if they be Prelats, and *five hundred merks* if they be inferior Ministers, Ja: 6: p: 21: c: 8: pag: 864:

That where competent *Manses* are not, the Heretors of the Paroch, at sight of the Bishop, or such Ministers as he shall appoint, with two or three discreet men, of the Paroch, build compleat *Manses*, not exceeding *a Thousand pounds*, nor under *five hundred merks* value, and where competent Manses are already, that the Heretours relieve the *Minister*, or his Executors of the expences of repairing the same, and these things being once done, the *Manse* to be upheld by the Incumbent, during his time, and by the Heretours in time of Vacancy, out of the readiest vacand Stipends, and that *Ministers* have Fewel, Foggage, Faill, and Diviots, according to the Act, Ja: 6: p: 13: c: 165: pag: 658: (above) And that Ministers (except Ministers in Burghs, that have no right to Gleibs) have Grass for one Horse, and two Kye to be designed, and with releise as above, and if there be no Kirk-land near the *Manse*, or the same be arrable, that then the Heretors pay the *Minister Twenty pounds* yearly for his Grass, and be releived as said is. That no Incorporat aikers in Village, or Town, where the Heretor hath Houses, and Gardens be designed for Gleibs, and this Act is drawn back to the fourteenth of *March*, 1649. Car. 2. par. 1. Sess 3: cap. 21, pag: 339.

MANUFACTORIE.

Act for erecting of Manufactories, granting several Powers, Immunities, and Priviledges, in their behalf as in the Act, and particularly that all *Materials* useful for *Manufactories*, that shall be Imported, be free of Custom, Excise, and other publick dues, and that no Native, or Stranger export any materials use-

ful

ful for Manufactories, until made in work or put to the best avail, under the pain of the value, half to the King, half to the informer, and Pursuer, and such farther punishment, as the Exchequer shall appoint, Car. 2. p. 1. Sess. 1. c. 40. pag. 232.

And Lint seed, Hemp seed, and Steel Imported, are Declared to be exempted from Publik Dues, as materials useful for Manufactories, conform to the provision contained in the said Act, Car: 2: par: 1: Sess: 3: cap: 20: pag: 339.

Act for erecting Companies for prosecuting the saids Manufactories: with several Powers, and Priviledges, in the Act, and generally with all Priviledges granted, or that shall be granted, to the Societies of Fishers, Car: 2: p: 1: Sess: 1: c: 42: pag: 237.

That Masters of manufactories may seize, and Imploy Vagabonds, and idle Poor Persons in their Works, for Ten years, in manner set down in the Act, Car: 2. p. 1. Sess. 3, c. 16: *in medio pagina* 335. See it in *Poor*.

Ratification of all Acts for encouraging of manufactories, as in the Act, specially, the Act, Car: 2: p: 1: Sess: 1: c: 43: pag: 241: (See it in *Linnen*) and Car: 1: p: 1: Sess: 1: c: 46: pag: 247: (See it in *forbidden Goods*) Car: 2: p: 3: c: 12: pag: 544:

MARRIAGE.

That who marries two Wives, or two Husbands, both living, undivorced, be punished as perjured, by cleiheat of moveables, wairding year, and day, and Infamy, Q. M. p: 5: c: 19: pag: 281:

That marriage be as free as Gods word allowes, and that seconds in degrees of Consanguinity, and Affinity, and all out with those contained in Gods word, might have married lawfully since the eight of *March* 1558. And may do so in time coming, Jam: 6: par: 1. cap: 15: pag. 365.

The man or Wife wilfullie diverting, by the space of four years, may be cited and sentenced to adhere, and thereon charged, and denounced, and after Privy Admonitions direct by the Bishop, the minister of the Paroch by the Bishops order shal admonish him publickly, and proceed to Excommunication, in which Case, the Parties obstinacie shall be an sufficient cause of divorce,

and the Offender shall tine the Tocher, or Donation *propter Nuptias*, Ja. 6. p. 4. c. 55. pag. 399.

That who ever Marries in a Clandestine, unorderly way, or by Persons not authorized by the Kirk, shall be Imprisoned for three Moneths, and beside shall pay, the Nobleman *an Thousand pounds*, the Gentleman and Burgess *Five Hundred pounds*, and each other person *An Hundred merks*, and that they remain in Prison, while they pay, and the Fines to be applied to pious uses of the Paroch where they dwell, that the Celebrator be Banished, not to return under the pain of Death, that none of the Parties where both reside in *Scotland*, get themselves Married in *England*, or *Ireland*, without Proclamation of bannes in *Scotland*, and against the order of this Kirk, under the pains, a Noble-man, *a Thousand pounds*, a Landed Gentle-man *a Thousand merks*, a Burgess, *Five hundred pounds*, each other substantious Person *Five Hundred merks*, a Yeoman, *a Hundred pounds*, and each Inferior Person *a Hundred merks*, half to the King, half to the Paroch, and that the King, or Kirks Advocat persew the Contraveeners of this Act, and that such as are unable to pay, be punished with Stocks, and Irons, and all without prejudice of the Kirk censures, Car: 2. p: 1: Sess: 1: cap: 34: pag: 193:

It is farther Statut, that who Marries any Person not lawfully Ordained, or Authorized thereto, He, and She amit their, *jus Mariti*, and *jus Relictæ*, Car: 2: p: 2: Sess. 3. c. 9. *in fine* pag: 464: The Act is, *Act against unlawfull Ordinations*

The expences of Marriages regulat, Car: 2: p: 3: c: 14. pag: 549:

MARRIAGE Casuality.

That in service of Airs holding Lands waird, Tax, or Few, *cum Maritagio*, the Inquest retour the Taxt, for the Marriage, and of the Few *cum Maritagio*, that it may be insert in the Precept, Car: 2: p: 2: Sess: 3: cap: 14: pag: 469.

SHIRE of Meirns.

That the Court place thereof, be removed from *Kincardin*, to *Stonehyve*, Ja. 6. p. 16. c. 27. pag: 785:

Ratified

Ratified, and that the said Burgh of *Stonebyre*, and Mercat Croſs thereof, be the head burgh, and place of all Executions, and Publications, within the Shire, Ja: 6. p: 19: cap: 7: pag: 823:

MERCAT, *See Burghs, Cocquet, Low-countries, and Ships.*

Towns, and Paroches, which had *Mercats* on the Sabbath, which are now prohibit may choiſe any other day in the Weeke for holding the ſame, if it be not the the Mercat day of the next Town, Jam. 6: par: 12: cap: 124: pag: 619:

That no Royal Burgh keep Mercat on monday, or Saturday, under the pain of *an Hundred merks*, but that they change the ſame to other dayes, But Fleſhers in theſe Burghs, may keep Fleſh-mercats on theſe dayes, Car: 2. p. 1: Seſſ: 3: cap: 19: pag: 338:

MERCHANTS.

That no Merchants paſs over the Sea in *Merchandice*, unleſs he have of his own or under his Government, at leaſt, three *Serplaiths*, or Two Hundred Twenty four Stone of Wool, or the value, under the pain of *Ten pounds*, and this to be tried by ane Inqueſt, Ja. 1: p: 2: c: 38: pag: 9: Ja. 2, p. 14. c. 67. pag. 78: or having in his own, half a Laſt of Gudes, or ſo much in Steerage, and Governance, Ja: 3: p: 2, c: 13: pag: 93: and p: 14: c: 106: pag: 137. Ja. 4: p: 2: c: 14: pag: 153: & Ja: 5: p: 4: c: 24: pag. 209. In which laſt Act the pain is made *Twenty pounds*, and the Execution very ſtrict.

That Sailers in Merchandice, be Free-men, Indwellers of Burghs, Ja: 2: p: 14: c: 67: pag: 78: This Act is ſaid to be made by the Clergy, and Barrons, and the ſame is Statute Ja. 3. p. 2. c. 11, pag. 92. and par. 14. c. 106. pag. 137.

That no Man of Craft uſe nor ſail in Merchandice unleſs he renounce his Craft, Ja. 3. p. 2. c. 12. pag. 93. under the pain of Eſcheat of the Merchandice, Ja. 3. p. 14: c: 107. pag, 137: See *Ships*.

That no gudes be ſent to the Swyn, or Sluiſe, the Dam, or Bruges, Ja. 3. p. 2. c. 16: pag. 94. But that Merchants ſaile to *Rochel*, *Bourdeaux*, *France*, and *Normandie*, and that ſtaple gudes remain in ſtaple, and

pass to no Mercat under the pain of *five pounds*, Ibid c. 17. pag. Ibid.

That no Ship be fraughted, or Merchants saile therein, with gudes to *Flanders*, but twise in the year, that is to say, to Pasch *Mercat*, and Rude Mercat, under the pain of *Twenty pounds* to the King, Jam. 5. par. 4. c. 31. pag. 213.

That every Merchant sailing with, or sending forth a last of gudes, bring home two Hagburs, or Metal for making the same, according to his pack, with Powder and Calmes, Ja. 5. p. 7. c. 95. pag. 244.

That no un-freeman use Traficque, specially in the Low-countries, under the pain of escheat of all their moveables, two thirds, to the King, and a third to the Conservator, Ja. 6. p. 6. c. 97. pag. 439. and p. 19. c. 6. pag. 822. *(* See it in *Burghs.)*

That all Merchants, and Skippers, at the receiving of their Cocquets, swear, that they have no forbidden gudes, nor other lawful gudes, except what is in their Cocquets, nor shall take in other gudes all that voyage, otherwayes the Ship, and Gudes, at least the gudes of the Refuser to swear, shall be Arrested, and Confiscar, Ja. 6. p. 15. c. 26. & 2. p. 734. See *Low-countries.*

That Merchants imploy not Aliens as Factors beyond Seas, Car. 2. par. 1. Sess. 1. cap. 44: *circa medium pagina* 245 See *Factor.* The Act is, *Act for encouraging of Shipping and Navigation.*

Act regulating Trade, and Merchandice, betwixt the Royal Burghs, and others, Car. 2: p. 2. Sess. 3. c. 5. pag. 455. See it in *Burghs.*

MESS, *See Papist*, and *Religion.*

That none lay, hear, or be present at Mess, under the pain of Confiscation of all their gudes, moveable, and immoveable, and their Persons to be in will, for the first fault, Banishment for the second, and death for the third, and that all Judges be diligent to apprehend the Contraveeners, Ja: 6. p. 1. c. 5. pag. 358.

That all Sayers, and Hearers of *Mess*, and Profaners of the Sacraments, incurr the tinsell of simple, and Life-rent escheat, Ja. 6. p. 11. c. 25. pag 517. The Acts, *Anent tryall and punishment of the Adversaries, of the true Religion.*

The Saying of Mess, infers the crime, and pain of Treason, Jam. 6. par. 12. cap. 122. pag. 614.

The Saying of *Mess* for the first fault, infers the simple escheat, for the second, the Life rent escheat, and for

for the third the pain of Treason, and Fore-faultour, Jam. 6. p. 13. c. 168. pag. 660.

That all wilful Hearers of Mess, and Concealers of the same, be execut to the death, and their gudes escheat, they being therefore found guilty, or declared fugitive, before the Justice, or Privy Council, Ja. 6. p. 14. c. 196. pag: 688.

Ratified Ja. 6. p. 19. c. 1. pag. 820. and all thir Acts Ratified, and Extended, to all Hearers, and Sayers of Mess, without any exception, or restriction, Jam. 6. p. 20. c. 5: pag. 831.

That none presume to hear, or say Mess, under the pains contained in the Acts of Parliament, Car. 2. p. 1. Sess. 1. c. 8. pag. 140.

Messenger, or *Officiar* of Arms, *See Lyon.*

That Mairs, or Serjands in Royalty, Regality, and Burrows, have wands, and Horns, in manner set down in the Act, Ja. 1: p. 6: c. 99. pag. 29.

That Mairs of fee Name Deputes, to be admitted by the Sheriff, and that the Sheriffs chuse Mairs, where needful, and that in Summonds, and Attachments, the Maire shall only shew his Precept, and Warrand, Jam 1. par. 9. cap. 111. pag. 35.

That there be only two Hundred Officiars of Arms in all *Scotland*, bearand, and wearand our Soveraign Lords Arms, in which number, the Lyon, and his Brethren the Heraulds, seventeen in all, are included, and the rest to be divided amongst the Shires, by the proportions set down in the Act. And if the Lyon admit any more, that he not only incurre the Kings Indignation, but the Persons admitted, to be rejected, and their Executions to be null, that the Officiars to be continued, and so in all time coming have the Lyons Testimonial and decent Blazons in Silver, and that they find gude Soverty, to keep their injunctions, under the pain of *five merks*, and to pay the Costs, and Skaiths of Parties, Jam. 6. p. 11. c. 46. pag. 555. See *Lyon.*

That the Officiars Soverty be bound, that he shall be furnished with a sufficient and readie Horse, and for all the damage, and interest of Parties: That the Officiares wages be *a merk*, *per diem*, Summer, and Winter, Ibid. cap. 73. pag. 570.

That Officiars of Arms convict of Falshood, or Oppression, in Execution of their Office, be punished to the death, Ibid c. 84. pag. 576.

That Officiars of Arms renew their Soverties when dead, or be-

become Insolvent, under the pain of deprivation, Ja: 6. p. 14. c. 212. pag. 697.

METTS, MEASURES, & WEIGHTS.

That a Stone be made for weighing of fifteen *Troie* pounds, and divided in sexteen *Scots* pounds, and that accordingly the haill Stone, Quarter, Pound, and other less Weights, be made, and only used, Ja: 1: p: 3: c: 57: pag: 14: And this Act renewed, and the *Troie* pound, to contain sexteen ounces, *Ja*: 1: p: 4: c: 69: pag: 18: Ja: 4: p: 3: c: 33: pag: 162: and Ja: 5: p: 7: c: 114: pag: 253.

That the Watter Mets that now are, be observed, and in each Town a sworn Metster appoynted for all gudes sellable by the Watter Met, als well Coals, or Others, and that the Seller nor none else medle with the Metting, Ja: 1: p: 3: c: 58: pag: 15:

That the Ell contain thirtie seven Inches, Ja. 1. p. 4. cap. 68. pag: 18.

That the Boll be divided in four Firlots, and contain twentie-nine Inches within the Boords, and above twentie seven and an half Inch, even over and within the Boords sexteen Inches, and in deepness nine Inches, that the Firlot contain two Gallons, and a Pint, and the Pint to weigh of the Water of *Tay* fourtie one ounces, or two pounds nine ounces, so the Gallon weigh twentie pounds, eight ounces, the Firlot fourtie one pounds and the Boll eight score four pounds, and these Measures are compared in the Act, with the old Measures in King *David* the firsts time, Ja. 1. p. 4. c. 70. pag. 19:

That a general Met be observed according to the Pint formerly given to the Burgh of *Sterling*, for an universal Standart, whereof each Firlot to contain eighteen Pints, and of this Pint, Quart, and Firlot, three Standarts to be made, and given to *Aberden*, *Perth*, and *Edinburgh*, appointed to be steeds for the rest of the Realm, and that none use another Measure, under the pain of the double of the Chamberlanes unlaw, but prejudice to Masters as to their Measures of their terms, to be proportioned after this new *Measure*, Ja. 2. p. 14. cap. 73. pag. 80.

That the Chamberlane and Sheriffs put this Act in Execution, Ja. 3. p. 4. c. 22. pag. 98. and. Ja. 4. p. 3. c. 33. pag. 162.

That users of false Measures and Weights be indyted as Fallers, Ja. 4. p. 4. c. 47. pag. 168.

That all Measures and Weights, Pint, Peck, Ell and Stone, be of one quantity, to be ordained in *Edinburgh*,

burgh, and that old Mets be proportionat thereto, and if any use another Measure or Weight, that it be a point of dittay, Ia. 4. p. 6. c. 96. pag. 191.

That the Stone be sexteen pounds, and the pound sexteen ounces *Troy*, the *Pint* of *Sterling*, two pounds, and nine ounces *Troy*, of clear water; the Ell of *Edinburgh*, thirtie seven inches, and the Firlot of *Linlithgow* nineteen Pints, and an Jucat, for Measuring Wheat, Rye, Beans, Meal, and white Salt, in the Mercat by the straik, as also Malt, Bear, and Oats, (in use to be Measured by the heap,) But at the rate of two Pecks for three in lieu of the heap, found to be a third, and these established for general use, by a Commission of Parliament reported to the Council, and by the Council ordained to be insert in the Books of Parliament, and that Provests, and Baillies of Burrows of Royalty, Regality, and Barrony, cause the same to be observed, under the pains contained in the Acts of Parliament, Ia. 6. p. 11. c. 115. pag. 594.

That all Sheriffs, Stewarts, and Magistrats of Burrows put the saids Acts to Execution, with power to them to take trial of false Mets, Weights, and Measures, and the users thereof, to amit their whole gudes, to the King, Ia. 6. p. 19. c. 2. ¶ 2. pag. 821.

Act Ratifying the Commission 1617 *Anent Mets, and Measures, with the Sentence, and Determination, given thereon.* (See the *Determination*, whereby the former Measures, and Acts about them, are altered and rectified) specially that the Measure, and Firlot of *Linlithgow* should be the only Firlot for all his Majesties Leiges, to buy and sell with, Ia. 6. p. 23. c. 16. pag. 976.

The foresaid Determination finding the *Linlithgow* Standart of the Firlot, to be true, and to contain twentie an Pints, and a Mutchkin *Sterling*, that three straiked for two heaped Measures, doe exceed and are not just, and that therefore there should be a new Firlot for Malt, Bear, and Oats in place of the heap, containing thirtie one Pints *Sterling* Jug, that the Weight be the *French Troie* Stone, containing sexteen *Troie* ounces discharging the old *Trone* Weight for ever, that the Ell contain thirtie seven inches, and that the Pint weigh three pounds seven ounces *Troy* of the running water, of the water of *Leith*. and that the Standarts be keept, two Firlots by *Linlithgow*, the Stone-weight by *Lanerk* the Ell by *Edinburgh*, and the Pint by *Sterling*, as of old, and that these be the universal Measures, See it after Ja. Sexth. pat. 22. It is dated 19. *February*, 1618. pag. 975.

A new Commission for adjusting Measures, and Weights, and reducing them to an uniformity, and that *Linlithgow* Measure be the Universal Measure, Car. 2. p. 1 Sess. 1. c. 38. *in medio pagina* 214. The Act is, *Commission and instructions to the Justice of Peace* &c.

That the Coal Measure for payment of Custom, and Bullion, be the Chalder of *Culross*, Car. 2 p. 1. Sess. 3. cap. 17. pag. 337.

That the foot Measure be of Twelve of these Inches, whereof the Ell contains thirtie seven, and that the Standart of it be made and keept by *Edinburgh*, and that all Wrights, Glasiers, Masons, and other Workmen work by this Measure allenerely, Ibid: c: 18: pag: Ibid:

MILITIA, See *Host*, and *Weapon shawing*.

Humble offer to his Majesty of Twenty Thousand Foot, and Two Thousand *Horses*, Armed, and furnished with Fourty dayes provision, proportioned upon the Shires, as in the Act, to be in readiness as they shall be called for, by his *Majesty*, to march to any part of his Dominions, against Forraign Invasion, or Intestine insurrection, or for any other Service wherein his *Majesties* Honour, Authority, or Greatness, may be concerned, intreating his *Majesty* to nominat the Officiats, to Rute-masters *inclusive*: and to give direction to the Council for the rest whom the Parliament Impowers for the Ordering, and managing of this whole Affair, under his *Majesty* and the Parliament declares, that if his Majesty have farther use, this Kingdom will be all ready betwixt Sexty and Sexteen, to hazard Lives, and Fortaines, at his *Majesties* call, for preservation of his Person. and Authority, Car: 2: p: 1: Sess: 3: cap: 26: pag: 347:

Act Ratifying the *Constitution* and model of the *Militia*, as established by the King, and Council, on the ground of the foresaid Act, particularly their appointing dayes of Rendezvous, allowance to Foot, and Horsemen. the saids dayes, and the whole Acts, and proceedings relating thereto, and *Sexpillings* for each Footman, and *Eighteenpillings*, for each Horse-man, is ordained for every day of the Rendezvous, as also the appointment of Commissars of the *Militia*, is approven, and several Powers are committed to them, and the order of poinding for deficiency is particularly regulat, and the Lords of Privy Council, are Impowered to appoint dayes of Rendezvous, and to give all orders requisite,

requisite, for the full establishing of the *Militia*, Car: 2. p. 2. Sess. 1. c. 2. pag. 378.

That all Persons enrolled, and imployed in the *Militia*, be thereto intirelie reserved and exempt from other levies, during that service, that the Officiars be well affected to Religion, and the Government of the Church as now established, and that they, and all the Souldiers take the Oath of Allegiance, under the pain of Imprisonment, and Banishment, that the Officiars attend punctually, and none of them desert, or dimit, without a cause first allowed by the Council, under the paine contained in the Act, under which they are also obliged to accept their Charges when named thereto, as also they are to be fined as in the Act, for absence from Rendezvous, and the fines of absence, and deficiency, here, and formerly appointed, are ordained to be doubled in time of War, that the *Militia* men be such as reside within the bounds, and neither desert, nor yet be changed but as in the Act, that the Leader of every Horse, uphold him and his Furniture for seven years, and then that a new Horse be provided by him, and his fractions, at the rate of *Ten pounds Sterling*, that beside the dayes of Rendezvous already appointed, and to be observed in time of Peace, in the time of War there be two Rendezvous of the Regiments of Foot, two dayes each Rendezvous, and four dayes of Rendezvous of the Companies, with an exception of *Argile*, *Bute*, and *Dumbartane* Shires, because of their distance. and all former orders about the *Militia*, are approven. except in so far as by this Act they are innovat, Car: 2: p: 2: Sess: 3: cap: 1: pag: 443:

MILNES, and Multers.

That no *Multers* be taken of Flour, coming forth of other Lands, to See ports or coming to *Mercats*, Ja: 4: p: 4 cap: 44: pag: 168:

That breakers of milnes, be punished to the death, as Theivs, Ja: 6: p: 11: c: 83: *in fine*, pag: 576.

MINES, of Gold, and Silver.

Mines of Gold and Silver, belong to the King, if three half pennies of Silver may be fined out of the pound of Lead, Ja: 1: p: 1: c: 12: pag: 4:

MINISTERS

MINISTERS, and Readers, *See Kirks and Manses.*

That the thirds of all Benefices be payed to the Ministers, and they being payed of their stipends out thereof, the superplus to be applied to the Kings use, Ja. 6. p. 1. c. 30. pag. 362. See *Thirds of Benefices.*

That all Benefices not exceeding *three hundred Merks* of yearly Rent, be disponed to qualified Ministers, Ia. 6. p. 3 cap. 52. pag. 396.

That Ministers should subscribe the Confession of Faith, Iam. 6 par 3. cap. 46. pag. 388. See it in *Confession of Faith.*

That every Paroch, or bounds competent to be a Paroch, have their own Minister, with a sufficient Stipend as the place may bear, and that Kirks annexed to Prelacies be provided of Ministers with competent livings. Ia. 6. p. 7. c. 100. pag 442. See *Dilapidation.*

That all Benefices of Cure, under Prelacies, be presented by the King, and laick Patrons, in favours of able Ministers, and all Gifts, otherwise made, are declared null. *Ibid.* cap: 102. pag. 443. And all Gifts, and Dispositions thereof, since his Highness Coronation, not made to Persons in the function of the Ministry, are declared null, from the beginning, excepting Benefices disponed to Lords of Session, and which are laik Patronages, they being provided to qualified Persons, conform to the Act of Parliament thereanent, (which appears to be, Ia. 6. p. 11. c. 32. pag. 541. here subjoyned) Ia: 6. p. 12. c. 123. *in fine.* pag. 619. The *Act is, Ratification of the Act made in* Februar 1587. *In favours of the Ministers &c.*

That all Ministers, or Others having Benefices under Prelacies, suspected culpable of Heresie, Papistrie Erroneous Doctrine, cõmon Blasphemie, Fornication, common Drunkenness, none residence, (that is to say not residing within the Paroch, but absent therefra, and from the Kirk, and his Office, for four Sabbaths in the year without leave of his Ordinary) Plurality of Benefices having cure, Simonie, and Dilapidation, being found guilty by the Bishop of the Diocie, or the Kings Commissioners in Ecclesiastick Causes, shall be deprived, from both Office, and Benefice, that in case of Pluralitie of Benefices, the acceptation of the last, be sufficient cause of Deprivation from the remanent, and a Minister being convict of a Capital Crime, and therefore

fore also orderly deprived, his Benefices vaiks, Ja. 6. p. 1. c. 132. pag. 478. (See *Capital Crimes*, in *Crimes*.) and thir causes of Deprivation, are extended to persons provided as well to Prelacies, as to Inferior Benefices, Jam. 6. p. 11. cap. 28. pag. 520. But the clause of none residence, comprehends not Members of Councel, Members of Session, or Persons absent by his Highness Licence, on his necessary service, nor is the Act to be extended to Benefices of laik Patronage provided before the Act, only all thir persons are astricted to sustain qualified Ministers at their Kirks, but he that receives any Benefice, on condition to serve and reside, is declared to be subject to the said Act, Jam. 6 p. 11. c. 32. pag. 545.

That all Ministers wait faithfully on their Charges, and that none of them accept, or use any place of Juditory, Civil or Criminal, or be Clerks, or Notars (except in making of Testaments) under the pain of Deprivation, from both Office, and Benefice. Jam. 6. p. 1. cap. 133. pag. 480.

That Benefices under Prelacies, whereunto Readers or Ministers actually serving are provided, be free of the first years Fruits, and of the Fifth pennie, Ja. 6. p. 11. c. 26. pag. 518.

They who invades, or puts violent hands in any Minister, shall be punished by Tinsel of moveables, For the violence allennerly the one half to the King, the other to the party offended, and that Letters be thereon direct, at the instance of the Minister, the King, or Kirks Advocat, or any Other Person, Ja. 6. p. 11. c. 27. pag. 519.

Ratified, and extended against all Who invade, or put violent hands, or offer violence to Ministers, by themselves, their men, Tennents, or Servants, or any other of their hounding out, or allowance, for whatsoever cause. Or sicklike to Arch-Bishops, Bishops, and Ministers whatsoever, having lawful warrand to preach, and Minister the Sacraments, and that Land-lords, Heretors, and Chief of Clanns, where the Invaders dwell, or haunt, be holden upon complaint of the Party, to exhibit them, and if after legal intimation made to the saids Land-lords, &c. The saids Delinquents be found within their bounds, haunting openly for ten dayes, that they be holden as Connivers, and obliged to exhibit them, under the like punishment, Car. 1. par. 1. cap. 7. pag. 23. and both these Acts Ratified, Car. 2. par. 2. Sess. 1. cap. 5. pag. 283.

All Persons, and Vicars, provided since King James the

South

Sexth his *Coronation*, and not having vote in Parliament, Councell, and Session, deprived by the Kirk *ab Officio*, are secluded, also a *Beneficio* and the same vaiks, but prejudice of Tacks lawfully set by them of before, Ia: 6: p: 12: c: 117: pag: 610:

That Ministers, and Readers, pay no Teinds for their Gleibs, *Ia*: 6: p: 5, *c*: 62: pag: 403: See *Gleib*:

That their Stipends be free from all Tacks, pensions, Taxations, or Impositions whatsoever, notwithstanding of any Gift, or Disposition in the contrary, *Ia*: 6: p, 13: c: 166: ¶. 2: pag: 659:

That all Gifts, and provisions made to Ministers serving the Cure of *Parsonages*, and Vicarages, and Kirks thereof, be to them valide, and sufficient Titles; notwithstanding of any Act or Constitution in the contrary, but prejudice to the rights of privat parties, and of the Queens Kirks of *Dumfermling*, *Ibid.* cap: 167: pag: Ibid:

And it is declared, that any Act of parliament made hereafter, in favours of any particular person, in prejudice of Ministers provisions, shall be null, except the Ministers be called, and the same reduced in haill or in part before the Iudge Ordinary, *Ibid.* cap. 169. pag: 660.

That all Ministers at the receiving of their Assignations give up a true and particular accompt, how much they have of the Temporality disponed to them Ia. 6. p. 15. c: 248: pag: 722:

That Ministers at their admission, swear the Oath of allegiance, and obedience to their Ordinary, in all things lawful, Ia: 6: p: 21: c: 1. *circa finem pagina* 857:

A Minister absent without just Cause from the Bishops Visitation, or Diocesian Assembly, may be suspended, and if he amend not, deprived, Ibid c: 1: *in fine pagine* 858:

All Ministers entering in, or since the year, 1649: At which time patronages were unjustly abolished, are declared to have no right to Benefice, Stipend, Manse, or Gleib for this year, 1662. or hereafter, but their Kirks to be Vacand, unless they be duly presented and Collated betwixt and the 24 of *September* next, Car: 2: p: 1: Sess: 2: c: 8: *Anno* 1662: pag: 291:

That Ministers keep and observe the Bishops Visitation and Diocesian Assembly, and concurr with the Bishop (as required) for the exercise of Discipline, under the pain of suspension for the first, and Deprivation for the second fault from both Office and Benefice, Car: 1: p: 1: Sess: 2: c: 4: *circa medium*, pag: 292: The Act is, Concerning *Masters of Universities*, &c. And

And both these Acts Ratified: And that Ministers who continue in the exercise of their Ministry in contempt thereof, be punished by the Privy Council as seditious persons, and contemners of the Royall Authority, Ibid. Sess. 3. c. 2. pag. 313. The Act is, *against separation and disobedience to Ecclesiastick Authority.*

Ministers poynding for their Stipends, need not carry the Goods to Mercat Crosses, but may Comprise them by honest and sworn men on the Ground where the Goods are, Car. 2. p. 1. Sess. 3. c. 21. pag. 339.

Act Ratifying two Proclamations of Council charging Heretors and others having reall interest, to secure the Persons, Families and Goods of their Ministers, in their Houses, and else-where within the Paroch, from all injuries and affronts, or otherwise if they present not the Actors, that they be lyable for the Ministers reparation and interest at the Councils sight: And that until his Majesty in his next Parliament give farther Orders therein: And but prejudice of former Acts against Invaders of Ministers, Car. 2. p. 2. Sess. 1. c. 5. pag. 383.

Act anent Suspensions of Charges for Ministers Stipends. See in *Suspension.* Ibid c. 6. pag. 385.

That such as shal be found guilty in assaulting the lives of Ministers, or robbing their Houses, or actually attempting the same, be punished by death, and escheat of moveables: And there is *five hundred merks* of reward appointed to the Discoverer and tester, or *two hundred merks*, to the Discoverer, and *three hundred merks* to the Apprehender of the foresaid Criminals, to be payed out of his Majesties Thesaury, Car. 2. p. 2. Sess. 2. c. 4. pag. 429.

MINORS. See *Curators* and *Tutors.*

The priviledges of Minors, as to Compriſings and Adjudications. See in these Titles.

That no Oaths be exacted of Minors for Confirmation of any of their deeds, and where they are exacted, that the Contract be void, and the Exactor infamous and any person related to the Minor may obtain the Writ to be declared void, Car. 2. p. 3. c. 19. pag. 556.

MOLESTATION.

That all Actions of Molestation and troublance in properties and communities, consisting in the Possessor, be remitted to the Sheriff, Baillie, or other Judge ordinary, where

where the Lands ly, and that Letters of Cognition be direct to them at the instance of Parties for that effect. That the Judge ordinary proceed upon Precepts on fifteen dayes, and that Continuations to be from eight dayes to eight dayes, and no longer. And first, that Defences be discussed in the place of Judgement, and then the points to be proven by Witnesses, be put to the knowledge of a condign Inquest, of a sufficient number, most part Landed men, having at least four Ploughs, or *three hundred merks* yearly irredeemable, and the rest substantious Yeomen living in the Paroch where the Lands ly, or sailzieing thereof, in the next Paroches; and the Inquest may visit the Ground, and take all other tryal, and shall return their answer in face of Judgement, and in case of errour may be punished *pœna temere juruntium super Assisa*. If there be Reconvention in the case before Litiscontestation, the Judge shall proceed in both Actions *pari passu*, and shall remit the matters of Fact *hinc inde* to the knowledge of the Assise, where the Causes cannot be divided: And either half of the Assise to be taken of the persons summoned by either Party, and the odd man to be chosen by Cavill. If the Judge ordinary be alledged suspect, or unable, after calling the other Party, and cognition taken, the Lords shall appoint unsuspect Judges by their Act, or under the Quarter Seal, who shall make faith, and have their recompence modified by the Lords, and payed before the giving out of their Decreet by the obtainer of the Commission, to be repayed by the other Party, if it be found *quod temere litigaverit*: And where the Lands controverted ly in several Jurisdictions, the Lords shall grant Commission as said is. And this Act is declared to be without prejudice to the Members of the Colledge of Justice to pursue their Actions as formerly, Ja. 6: p. 11. cap. 42: pag. 548.

MONEY. See *Bullion*, *Gold*, and *Silver*, and *Payment*.

That the King gar mend his money to the same weight, and fineness, as in *England*, Jam. 1. par. 1. c. 23. pag. 6.

That no man have money out of the Realm, but he pay *fourty pennies per pound* of Custome, under the pain of unsel of the money, and an unlaw of *ten pounds* to the King, Ja. 1. p. 3. c. 49. pag. 12.

That

That none have out of *Scotland* Gold, Silver, or Jewels, Cuinzied or uncuinzied, under the pain of escheat, Ja. 1. p. 13. c. 149. pag. 46. The one half to the King, the other to the Apprehender, Ja. 2. p. 8. c. 35. pag. 64.

That Searchers be made at all Ports, and on the Borders, for to restrain the having out of money. And that false Strikers of Gold or Silver, or of false Groats or pennies, be punished as Law will. And that none strike any in time coming, without licence under the Great Seal, Ja. 2. p. 6. c. 29. pag. 59. and Ja: 3: p: 8: c: 64 pag. 117.

That money be not had out of the Realm, under the pain of *ten pounds*, and the value of what is exported. But Clerks are heretore made accomptable to their Ordinaries, as Seculars are to the King, Ja. 3. p. 1. c. 8. pag. 91. Ratified, Ja: 3: p: 4: c: 23: pag: 98. *circa medium*

That no Stranger Merchant have money out of the Realm, under the pain of eschesting of the money, and of his other goods, Ja. 4. p. 4. c. 41. pag. 166. And that Searchers be appointed, and to have the fourth of the money found for their pains: and this to be point of Dittay, Ja. 4. p. 6. c. 68. pag. 181.

And all these Acts anent the having forth of money, Ratified, Ja 5. p. 7. c. 108 pag. 251. and Q. M. p. 9. c. 69. pag. 319: with this Addition, that the contraveeners shall escheat all their moveables, the fourth part to the discoverer; and if he be a Partner in the money, to be not only free of the pain but to have the foresaid reward. And this Act to endure for five years. Ibid. Q. M. p. 9. cap. 69: pag. 319.

Act Ratifying all former Acts against the Transporters of money, Ja. 6. p. 15. c. 258. pag. 726.

A most strict Act against the transporting of money, appointing Merchants, Skippers, Customers, and keepers of the Cocquets to swear before the Thesaurer, or his Deputes, not to export, nor suffer the same to be exported, nor to conceal the exporting thereof, and that no Merchant or Skipper Trade, or make Voyage to any forraign place before they take the said Oath, and produce Extracts thereupon, under the pain of the fifth of their Moveables, and being uncapable of Merchandizing or Sailing any Ships: And there is only allowed to Passengers *forty pounds* for their charges, and all Licences are discharged, except to such as shall make faith or give Bond that the money is to be bestowed for Timber in *Norway*, or for Victual in time of extream dearth,

dearth, and that they shall return the *superplus*, Car. 2. p. 1. Sess. 3: c. 11. pag. 323.

The advisement of the three Estates touching the matter of money, and a new Coyn of Silver and Gold then to be stricken: That the Master of the money answer for all stricken under him, while the warden have taken essey thereof, and put it in his Buist: And that he may choose Servants under him to strike, and may punish them if they trespass. And that strickers (if possible) be no Gold-Smiths, Ja. 2. p: 8. c. 33. pag: 62 & 34: & 64.

Another order about money and the Cuinzie: that the Lords of Exchequer examine the fineness of the Coyn presented them in a Buist by the Warden, Ja. 2. p. 13. cap. 58. *in fine*, pag 73.

Order for Cuinzieing of Copper money *four* to the *penny*, and that there be Cuinzied 300. *pounds* containand Silver, Ja: 3. p. 1. c. 9. pag. 91:

An Ordinance eying up the money, and that no Black Pennies be stricken in time coming, under pain of death, Ja. 3. p: 3. c. 18. pag. 95. Another Ordinance to the same purpose, Ja. 3. p. 4. c: 22. pag. 97.

A third Ordinance thereanent, made by the Lords of the three Estates depute thereto, Ibid. c: 23. pag. 98.

That no Black *Money* but the Kings own be taken in Payment, and that no man bring home strange Black *Money*, or counterfeit the Kings money, under the pain of death, Ja: 2. p. 5. c: 40. pag. 107.

Another order about the money, Ja: 3. p. 6. c. 46. pag. 111.

That no Silver or *Gold* Cuinzied be burnt down either by Cuinzeours or Gold-Smiths without the Kings Licence, but that it be holden whole to pass among the Leiges, Ja. 3. p. 8. c. 65. pag. 118. And that under the pain of escheat of half of the movebles for the first, and of the whole moveables for the second fault, against the Owner and Melter, Ja: 6: p: 1: c: 17: *in fine* pag: 367:

The rates of money Gold and Silver hightned, Ja. 3. p. 8. c. 67. pag: 119: And it may be doubted from this and the former Acts what reckoning was then made for the shilling, seing that the Rose Noble is estimat to Thirty five shillings:

Order for Cuinzieing of money, that there be ten Groats in the ounce of Silver, and pass for fourteen pennies the Groat: And that there be a penny of Gold to pass for thirty of the saids Groats, Ja. 3: p: 13: c. 93: p: 128: Ja: 4: p: 1: c: 2: pag: 145: and p: 2. c: 17: p: 154.

Placks cryed down, and the King declares he will receive

ceive them in, and give a fourteen pennie Groat for seven of them, Ja: 3: p: 13: c: 97: pag: 136:

That Gold or Silver money, of good mettel, and just weight pass, and be received, albeit with crack and flaw, or folded, Ja. 4. p: 2: c: 17: *in fine*. p: 155: Ratified, under the pain, to the Refuser, of losing the value, Ia: 4: p: 3: c: 37: pag: 164: p: 4: c: 40: pag: 165: and p: 6: c: 97: pag: 192. And that false money be clipped and broken by the Kings Officiars, and so delivered back to the Owners Ibid: Ia: 4: p: 4: c: 40: *in fine*, pag: 165:

That the King appoint an expert man master of the money, for solisting the Acts made anent Money and Bullion, Ia: 4: p: 3: c: 55: pag: 175:

That nothing be taken for Wisselling of Gold, under the pain of oppression: And that no man wrong Gold of its weight, under the pain of falsing of money, Ia: 5: p: 7: c: 99: pag: 246:

Ratification of all Acts against the home-bringers of false Cuinzie, or forgers thereof within the Realm, and the revealer ordained to have the half of the escheat of the Contraveeners Lands and Goods, Q: M: p: 9: c: 70: pag: 319:

That the King may cause Cuinzie Gold and Silver at such fineness as other Countreys do, and that no Layed Money be Cuinzied without consent of Parliament, Ia: 6: p: 1: c: 17: pag: 367:

That in every Burgh able men be appointed by the Magistrats to see all money told, and to clip false money, and the payer to lose it, and the receiver to pay to the Clipper a *penny per pound*, Ibid: c: 19: pag: 369:

Act anent the change of Cuinzie then made, wherein the quantity of the Cuinzie then struck is said to extend to two hundred and eleven stone and ten pound weight of Silver: And the new Cuinzie is appointed to be of eleven penny fine, at fourty shillings the ounce, Ia: 6: p: 7: c: 106: *Anno* 1581: pag: 449:

Act Ratifying all former Acts against the raisers of the Price of money, to the transporters thereof: and ordaining the ounce of Silver Cuinzied at eleven penny fine to stand at fifty shillings, and the ounce of Gold of twenty two Carrets fine, to stand at thirty pounds, and all forraign Cuinzie of Gold or Silver is discharged to have course: Ia: 6: p: 15: c: 253: pag: 726:

MUM-

MUM-BEER.

Mum-beer licenced to be imported, and that it be lyable, each Barrel not exceeding twelve Gallons, in thirty shillings of Custome, and as much for Excise, Car: 2: p: 2: Sess: 4: c: 2: pag: 519:

MUIR.BURN.

That no man make Muir-burn after the first of *March* till all Corns be shorn, under the pain of *Fourtie shillings* to the *Lord* of the Land of the burner, or if he have it not, fourtie dayes Imprisonment and if the Lord neglect, then this to be a point of Dittay, Ia: 1: p: 1: c: 20: pag: 5:

That no Muir-burn be made fra the the first of *March* till *Michaelmes*, under the pain of *five Pound*, Ia: 3: p: 10: c: 75: pag: 122:

That the Commander of *Muir*-burn be made to pay *fourty shilling* to the King, beside the pain of the maker, Ia: 4: p: 4: c: 48: pag: 169:

That the un-law of Muir burn be *five pound*, Ia: 4, p: 6: cap: 71: pag. 182:

The pain augmented, and that for the first time it be *five pounds*, for the second, *ten*, and for the third *Twenty pounds*, and so forth for each time *Twenty pounds*, Iam: 5: par: 4: cap: 11: pag: 203: Ratified Iam: 6: par. 6: cap: 84 The Act is *against the Destroyers of planting, haining and policie*, pag: 428.

MUSICK.

That the youth be instructed in *Musick*, and that Magistrats of Burghs, and Patrons, and Provosts of Colledges, where Song-schooles are founded, set up Schools with *Masters*, as they will answer on the perill of their Foundations, Ia: 6: p: 6: c. 98, pag: 439.

MUTI-

MULTILATION. See DEMEMBRATION.

Mutilation rekoned with slaughter, and fire-raising, Ja. 5. p. 7. cap. 118. pag. 255. The Act is, Anent burning of corns, &c. and Ja. 6. par. 6. cap. 76. *in initio.* pag. 424. The Act is, for remeed of the fraud and disorder used by Officiars &c.

N

NATURALIZATION.

Act naturalizing all *French*men, Q: M: p: 8: cap: 65. pag. 309. See it in *France.*

Act Naturalizing all Strangers of the Protestant Religion, who having Estates, shall bring the same, and come and dwelf in this Kingdom, or who shall set up new Works and Manufacturies, and come and settle therein, promising them upon Petition to his Majesty the free exercise of their Religion in their own Language, providing alwayes that the benefit of this Act be granted and applyed at the Councils sight, Car. 2. p. 2. Sess. 1. c. 7. pag. 386.

NAVIGATION.

Act for the encouragement of Shipping and Navigation, ordaining all Goods to be imported after a day yet blank in the Act, from the original and proper places whence they are in use first to be transported, and in Scots Ships, or in Ships belonging to these places, under the pain of Confiscation of Ship and Goods That all Goods Shipped as said is, not imported by Ships of this Countrey, be lyable in double Custome. That all Goods belonging to Aliens, in whatsoever Vessels imported or exported; as also, all Goods whatsoever exported in Forraign Vessels, be lyable to double Customs. That Scots Ships be Navigated only by a Scots Master, and at least three parts Scots-men: And the Act contains an order for verifying a Ship to be a Scots Ship, and getting Certificate thereupon: And that no

Customer allow the benefit of a Scots Skipper to any Ship, untill the same be so verified, under the pain of deprivation: But this Act extends not to import from *Asia*, *Africa*, or *America*, or from *Muscovia* and *Italy*, untill it shall be so declared by Act of Parliament, Privy Council, or Council of Trade, nor to the import of Corns from any place, in any Ship in time of dearth, declared to be such by Act of Council, Car. 2. p. 1. Sess. 1, c. 44. pag. 242.

NOTARS.

That Notars in time coming be made by the King, and not by the Emperour, and that Notars so made be examined by their Ordinaries the Bishops, and have their Certificats, Ja. 3. pa. 5. c. 30. pag. 102.

That the Bishops and Ordinaries examine all Notars, and punish the insufficient, and send the sufficient to the King to be made Regal, Ja. 4. p. 6. c. 64. pag. 180.

That the Sheriffs examine all Notars Laicks, and the Ordinaries all Notars Spiritual within their bounds, and cause them book their Signes, and admit them by an Act, otherwayes their Instruments to make no Faith, Ja. 5. p. 6. c. 76. *circa finem*, pag. 233.

That all Inferiour Judges present their Clerks and Notars to the Lords to be examined, without prejudice to the said Judges to change as oft as they please, *Ibid.* cap. 78. pag. 234.

That all Instruments be taken in the hands of the Notar of the Court, and if the Party will have another Notar, that the other pass within the Barr, and Instruments be taken in both their hands, and that the two Notars be Witnesses to others, otherwise the Instrument to make no Faith: That the Notar of Court refuse Instruments to none, under the pain of Deprivation, and to be punished in his person and goods, Ja. 5. p. 6. c. 81. pag. 235.

Addition to the foresaid Act, Ja. 5. p. 6. c. 78. And that all Notars be sent into the Lords of Session betwixt and a certain day, to be by them admitted, and if any not admitted use the Office of Notary, that their Instruments make no Faith, and themselves be punished as fassers, Q. M. p. 5. c. 24. pag. 283.

That the Lords of Session may charge Notars to compear as said is, bringing with them their Protocals to be marked and numbered, but the said Protocalls, not to be seen or read, but delivered back without inspection. That all Notars be ad-

admitted by the Lords, and that they design in their Instruments the Witnesses they require, by their dwelling, or some evident token. (See *Witnesses*) That false Notars, and Notars not admitted as said is, and the causers of their falshoods, be punished by escheat of moveables, cutting off of their right hands, and banishment; and farther by the tinsell of their life, if the cause so require, at the discretion of the Judge, Q: M: p. 6. c. 43. pag. 298.

The day appointed for commencing of this last Act prorogat to the first of *March* $156\frac{3}{4}$. And the Act thencefoath Ratified, Q: M: p: 9: c: 78: *circa finem*, pag:324.

That all Notars be made by the Queens Letters, and thereafter examined and admitted by the Lords of Session, who should take their Oaths, and Registrat their right Signs, and who does in the contrary, in making Notars, or using the Office, to be punished by death, and their Instruments to be null, *ibid.* c. 79. pag. 326.

Act suspending the Admission of any more Notars for five years, and that none be admitted thereafter but such as understand congruous Latine, and have served a Lord of the Session, Writer, or Clerk, the space of seven years, and shall report their Testimonial thereof to the Lords of Session, who by themselves, or some of the Clerks to the Signet, shall take full proof of them, by forming some Evident. That the Bands and Acts of Cautioners for Notars be extended to their Airs, and that their Cautioners be oblidged in time coming that their Protocalls within fifteen dayes after their decease shall be brought in to the Clerk Register, or his Deputes, upon satisfaction to be made to his Relict, Bairns, or Executors therefore, at sight of the Lords of Session, and the saids Protocalls to be made forthcoming thereafter to all concerned, on their reasonable expences, Jam. 6. par. 11. cap. 45. pag. 553.

But the last part, anent satisfaction for Protocals, corrected, and all havers of Protocals of Notars, after their decease, ordained to bring in the same to the Clerk of Register, under the pain of *an Hundred pound*: And if the Relict, and Children bring them in, then the Clerk Register is to make a note of their names, to the effect they may be called, when transumpts are persewed for, and receive satisfaction from the Party, at the Lords sight, but this Act extends not to Protocals of the Clerks of Free Burghs, which their Relict, and Children, are holden to deliver to the Magistrats of the same, to remain in their Register, and to be made furth-coming as accords, Ja. 6. p. 22. cap. 22. pag. 921.

NULLITY.

That all Nullities be received by way of exception or reply, and that all Writs, or things null of the Law, be declared so by way of exception, or reply, in the same instance, allowing alwayes such time to call Warrands, as if the Nullity had been persewed by way of Action, Q. M. p. 6. c. 42. pag. 297.

O

OBLIVION, See *Indemnity.*

Act of Oblivion, Q. M p. 9. c. 67. pag. 313.
General Act of Oblivion, containing several Exceptions, Car. 2. par. 1. Sess. 2. cap. 10. pag. 305.

OFFICIARS, See *Judges.*

OFFICIARS of ARMS, See *Messengers.*

OFFICIARS of the CROWN.

Ordinary Officiars of the Crown reckoned, the Thesaurer, Secretary, Collector, the Justice Clerk, Advocat, Master of Requests, Register, Director of the Chancellary, and Director of the Rols, Ja. 6. p. 11. c. 31. The Act is, *The Kings Revocation, from which their fees, and pensions are excepted.* ¶ 3. paginæ 542. after the marginal note, *CASUALITIES.*

ORCHYARDS.

Breaking of Orchyeards a point of Dittay, Ja. 1. p. 2. c. 33. pag. 8. See it in *Theft*, and the Acts there following.

PLANT-

PLANTING of ORCHYEARDS, See *Planting*.

ORDINATION.

That none presume to ordain Ministers, but such as are authorized thereto by Law, and that none take Ordination from any other, declaring all Ordinations since the year 1661, or hereafter, otherwise made to be null, and the persons ordained to be no Ministers, and that both the pretended Ordainers, and Ordained, be seased by the ordinary Magistrats, and presented to the Council, who are impowered to punish them, by Confiscation, Banishment, or perpetual Imprisonment, unless released by warrand under his Majesties hand, Car. 2. p. 2. Sess. 3. c. 9. pag. 463.

ORKNEY, and *ZETLAND*.

Orkney, and *Zetland* annexed to the Crown, Car. 2. p. 2. Sess. 1. cap. 13. pag. 402. See it in *Annexation*.

OATH.

The Oath that the Conservator should require of all Merchants and Skippers, Ja. 6. p. 15. c. 261. pag. 734. See it in *Conservator*.

Oaths of Minors discharged, Car. 2. p. 3. c. 19. pag. 556 See it in *Minors*.

OATH of Allegiance, and Subscription to the Prerogative,

That all Officiars of State, Members of Privy Council, Session, or Exchequer, Justice General, Admiral, Sheriffs, Commissaries, and their Deputes, and Clerks, and all Magistrats, and Council of Burghs, shall at their Admission to their Offices, and before they exerce the same, take, and swear, the Oath of Allegiance, and also assert under their hand, his Majesties Prerogative, in manner set down in the Act, as also that all Persons required by the Privy Council, or any having power from them, shall be obliged

to swear the said Oath, certifying that who refuses the said Oath, shall not only be incapable of publick Trust, but also looked upon as disaffected to his Majesties Government, and such as shall refuse to assert the Prerogative, shall from thence forth be uncapable of publick Trust, Car: 2: par: 1: Sess: 1: c: 11: pag: 149.

How the Oath of Allegiance is to be administrat to, and taken by Members of Parliament, See Car. 2. p. 1. Sess. 1. cap. 1. *in medio*, pag. 134. in *Parliament*.

OVER-LORD, See *Superior*.

Oxen, See *Horse*.

P

PACKING, and PEILING, See *Burghs*.

PAINS, and Penal Statuts.

That pecunial pains be taken up in Gold, and Silver, at the avail of the money when the Acts were made, or else augmented in the money now current, and so of Compositions, Ja. 6. p. 11. cap. 71. pag. 569.

That the Lords of Session, grant no suspension upon unlawes of liquid sums charged for by the Thesaurer, without Consignation, or good Soverty, Jam. 6. par. 12. cap. 126. ¶ 2. pag. 625. The Act is, *The Names of all Rebels should be delivered to the Thesaurer*, &c.

The pains of Law-burrows, not reporting of Letters to the Justice Clerk, and not compearance before the Justice after Soverty found, for Earl, or Lord, *Two Thousand pounds*, great Barron, *a Thousand pounds*, Free-holder, *a Thousand merks*, a Fewer *Five Hundred merks*, a Gentleman un-landed, *Two Hundred merks*, a Yeoman *a Hundred merks*, each Person Summoned on Assise before the Justices, *An Hundred merks*, and for each Person Arrested and not compearand the first Justice Air, *Twentie pounds*, Jam: 6: par: 13: cap: 170: pag: 661.

That

That all Pecunial pains, and unlawes, contained in the Laws of the Realm, before the first of *March*, 1542. be augmented ten fold, that is one shilling, or pound, to ten shillings, or ten pounds, and so forth, Ja: 6: p: 15: c: 271: pag: 740.

Pardon of penal statutes for bygones, Jam: 6: p: 21: cap: 9: *circa finem*, *Anno* 1612: pag: 867. the like Ja: 6: p: 23: c: 23: pag: 1000. the like Car: 1: p: 1: cap: 27: pag: 70. the like Car: 2: p: 1: Sess: 1: cap: 27: pag: 187. and the like Car: 2: p: 1: Sess: 3: cap: 29: pag: 355. most of those Acts contains a few Exceptions of certain Crimes.

PAPIST, See *Mess*, and *Religion*.

That all suspect to be Papists be warned by the Bishop, and Ministers, to recant and give Confession of their Faith, according to the approved form, under the pain of Excommunication. And if they failzie, that they be Excommunicat, that a Roll be made and Printed, of the Persons obstinat, or relapse, who shall be infamous, and incapable to sit, or stand in Judgement, persew, or bear Office, or to be witness, or Assisours, against these of the true Religion: neither can they make Deputes, nor grant Procurations, and an Exception being hereupon proponed, and verified, by the said Roll, if repelled, and Instruments thereon taken, shall be an sufficient ground of Suspension. Ja. 6. p. 3. c. 45. pag. 386.

That none use Superstitions, Papistical rites, Jam: 6: par: 7: cap: 104: pag: 445. See it in *Pilgrimages*.

Papists required by Presbytries to satisfie the Kirk, and not compeirand, or refusand, should be charged to produce the Presbyteries Testimonial, by the Privy Council, and in case of failzie denounced, whereby their escheat, both simple, and Life-rent vaicks, and who thereafter resets them, incurr the same pain, and the Presbytery, or any Minister thereof negligent, tines the half of his Stipend, for that year, Jam: 6: p: 14: c: 197: pag: 628.

That Papists be presented, that they may be prosecut according to Law, and that Children under Popish Parents, Tutors, or Curators, be taken from them, and committed to the Education of some well affected, and Religious Friend, at the sight, and be the order of the Privy Council, Car: 2: par: 1: Sess: 1: cap: 8: *In fine*, pag: 142.

PARENTS.

That what Sone, or Daughter, above the age of sixteen years, not being distracted, shall beat, or curse Father, or Mother, shall be put to death, without Mercy. And if they be under sixteen, but past pupillarity, that they be punished at the Judges arbitrement. Car. 2. p. 1. Sess. 2. cap. 20. pag. 182.

PARICIDE.

Who slayes his Father, or Mother, Gudsair, or Guddame, He, and all his posterity, shall *in linea recta* be disherished from their Heretages for ever, and the next Collateral, shall succeed therein, Ja. 6. p. 14. c. 224. pag. 704.

PARKS. See *Forrests.*

The Priviledges of the Kings Parks, See Jam. 6. par. 14. cap. 214. pag. 698. In *King.*

PARLIAMENT.

That Breakers of Acts of Parliament, be punished as they ordain, Jam. 1. p. 2. cap. 29. pag. 8.

That all Prelats, Earls, Barrons, and Free-holders, seeing they are holden to give presence in Parliaments, and General Councils, from thenceforth, compear in Person, and not by a Procuratour, unless the Procurator alledge a lawful cause of absence, Jam. 1. p. 3. c. 52. pag. 13.

That the Acts of this, and the two preceeding Parliaments, be Registrat, and Extracts given to the Sheriffs, who are to publish them, and also to give Extracts to Prelats, Barrons, and Burrows, on the Demanders expences, under pain of Deprivation, Jam. 1. p. 3. cap. 67. pag. 18. That Sheriffs, Commissioners of Burrows, and Barrons, get Copies of the Acts of Parliament, and gar proclaim them, and the King is prayed to be diligent to Execut them, Jam. 2. par. 14. cap. 89. pag. 85. That the Clerk Register cause Imprint such Acts of Parliament as concern the common Wealth, and that he chuse the Printer, provided the said Printer have also the Kings Licence, and that none unli-

conced

cenced presume to Print them, for six years, under the pain of Confiscation of the Books, Jam. 5. p. 7. c. 127. pag. 259.

That the Acts of Parliament be Imprinted, Jam. 6. p. 1. cap. 32. pag. 377. The Act relates to this Parliament only, and the Act made by Jam. 5. Anent raising fire and burning, par. 3. c. 8. pag. 201.

That the Laws of *Regiam Majestatem*, and other Laws be Imprinted by the then Clerk Register *Skene*, Jam: 6: p: 19. the 31. of the unprinted Acts, pag. 827.

The old unlaw of unexcused absence from the Parliament, *Ten pounds*, Jam. 1. in the Titles of the Parliaments 6, 7. and 8, pag. 23. 30. and 34.

That all to be chosen in any Parliament hereafter, for deciding of causes, and complaints, swear to do the same faithfully, and lawfully, according to their skill, Jam: 1: p: 6: cap: 83. pag. 23.

Small Barrons, or Free-holders, need not come to Parliaments, or general Councils, but of each Shire there may be sent two, or more, as it is of largness, out-tane *Clackmannan*, and *Kinross*, (of either of which ane) chosen at the head Court, and these Commissioners, shall chuse an wise man, to be the common Speaker of the Parliament, to propone all needs, and causes, pertaining to the Commons. And thir Commissioners shall have power of the rest, under the Sheriffs Seal, and the Seal of diverse Barrons, to hear, treat, and finally determine, all Causes proponed in Council, or Parliament, and shall have costage off their Constituents, and their Rents, each pounds another fellow, all Bishops, Abbots, Priors, Dukes, Earls, Lords of Parliament, and Barrents, which the King will have summoned by his special precept, (here the Acts stops imperfectly,) but I think it wants the words (*are excepted.*) Ja. 1. p. 7. c. 101. pag. 30.

That no Free-holder, holding under *Twenty pounds*, be constrained to come to Parliament, or general Council as to presence, unless he be a Barron, or specially warned by writ, Jam. 2. p. 14. cap. 75. pag. 81.

That no Free-holder within *an hundred marks*, of the extent that now is, be compelled to come Personally to Parliament, if he send his Procurator for him, unless he be specially called by the Kings writ, but all above this extent should come, Jam. 4. p. 6. c. 78. *Anno* 1503. pag. 185.

Act Ratifying the Act, Ja. 1. p. 6. c. 101. (above) about the Commissioners of small Barrons, to have vote in Parliament,

ment, ordaining them to be Elected yearly, by the Freeholders, (which by the preface of the Act should be under the degree of Lords of Parliament, having a *fourty shilling* Land, and Actually residing within the Shire) at the first head Court, after *Michaelmass*, or when the said Freeholders please, or the King shall require them. And that their Names be notified by the Commissioners of the preceeding year, to the Director of the Chancellary, to the effect they may be warned by precepts to Parliaments, or general Conventions, as the other Estates, that the Freeholders be Taxed, and Charged for the expences of their Commissioners, and that they having Commissions sealed, and subscribed by six at least, of the Barrons, and Freeholders, shall be equal in number with the Burrows, upon the Articles, and have vote in Parliament, and his Majesties missive shall be direct to certain of them, before Parliaments, as to the Burrows, and that Letters be direct yearly by the Lords of Session, at the instance of the Commissioners, for conveening and taxing the Free-holders for their expences, Jam: 6: par: 11: cap: 114: pag: 591.

That these Commissioners be not admitted, unless they bring sufficient Commissions granted to them, in a full Convention of the Barrons of the Shire, subscribed by a great number of the Barrons present, and by the Clerk of the Convention, and the Clerk Register is discharged to receive any Commission not in due Form, Ja: 6: p: 15: c: 276. pag: 742.

Act for clearing Elections from Shires, that beside such as hold a *Fourty shillings* Land of the King *in capite*, all Heretors, Life-Renters, and Wod-setters, holding of the King, and others who held formerly of Bishops, (the Bishops were not at this time restored) and Abbots, and now hold of the King, having yearly ten Chalder of Victual, or *an Thousand pounds*, (Few-dewties deduced) shall be, and are capable, to elect, and be elected, to Parliaments, Noble-men, and their Vassels excepted. That every such Commissioners have *five pounds*, *per diem*, including the first and last dayes of the Parliament, and eight dayes for coming, and as many for going, from, and to the farthest Shires of *Caithness*, and *Sutherland*, and proportionally at nearer distance, and that the whole Free-holders, Heretors, and Life-Renters, holding of the King, or Prince, bear the said burden, excepting Noble-men, and their Vassals, and that upon an Attestation under the Clerk Registers hand of the dayes of the Parliament, this al-

allowance be raised as the Excise, by Horning, Poinding and Quartering, that the saids Commissioners be in like manner releived, and payed of the prices of the Foot-mantles, the Foot-mantles being made forth coming to the Shire, at the rising of the Parliament, Car. 2. p. 1. Sess. 1. cap. 35. pag. 194.

Act concerning the Election of Commissioners for Shires, to Parliaments, or Conventions, declaring such only capable, to vote, and elect, who have in property, or superiority, and are in possession of a *Fourtie shillings* Land of old extent, holden of the King, or Prince, or where the extent appears not, then Lands worth *Four Hundred pounds* of valued Rent, whether Kirk-lands, or others holden of his Majesty, as King or Prince, and also clearly determining all other questions, who have right to vote, and who not, and how the Rols of the Free-holders should be made, the meetings proceed, and objections be proponed, and discussed, that all Heretors, Life-Renters, and Wod-setters, within each Shire, contribut to the Commissioners charges, and Foot-mantels, according to their Valuations, except Vassals of Noble-men, or Bishops, or Lands-holden Burgage. Car: 2: p: 3: cap: 21: pag: 558.

That no man interpret the Kings Statutes otherwise then they bear, and to the intent as the maker understood them, under the pain to be punished at the Kings will, Jam. 1. p. 7. cap. 107. pag. 33.

The manner of Arrayments for the Parliament, and for fore-speakers for the cost that speak for meed, and that each Burgh where the Parliaments sits, make Seiges for their sitting, under the pain of *Ten pounds*, Jam. 2. par. 11. cap. 47. pag. 69. Ratified, and that the King make the Paterns of the saids Arrayments, Jam: 2: par: 14: cap: 68: pag: 78. *See Apparel.*

Parliaments needs not be continued from day to day, but continue of themselves, ay and while they be dissolved by the King, Jam: 3: p: 5: cap: 38: pag: 107.

The Free-tennents of the principality, give sute, and presence, in Parliament, ay and while the King have a Son, and the Prince be born, Jam: 4: par: 2: cap: 16: pag: 154.

Act annulling all Acts of Parliament already made contrary to Gods word, Ja. 6. p. 1. cap. 3. pag. 336.

That the Proclamation of the Acts of Parliament at the Mercat-croce of *Edinburgh*, be sufficient Publication, to

to all the Lieges, who are declared to be astricted to the obedience of the saids Acts, fourtie days after the said Publication Iam. 6. par. 7. cap. 128. pag. 473.

That none impugn the Dignity and Authority of the three Estates of Parliament, nor seek to procure the innovation or diminution of the Power and Authority of the same three Estates, or any of them, under the pain of Treason, Iam. 6. par. 8 cap 130. pag. 477.

That no person take upon him the place of more of the Estates of Parliament then one, to wit, that wherein he professes himselfe to live, and whereof he takes his stile, Ia. 6. p. 11. c. 33. ¶. 2. pag. 546.

The un-law of absents from the Parliament, not excused by the Lords of the Articles, of the Earl *three hundred pounds*, of the Lord *two hundred pounds*, of the Prelat *an hundred pounds*, and of every Burgh *an hundred merks*; and that he who rides not be repute absent, and that Letters be hereupon directed, *Ibid.* cap. 34. pag. *Ibid.*

Ratified, and the un-law of absence for a Commissioner of Barrons ordained to be *an hundred pounds*, and that no excuse be admitted, except attested by his Majesty or his Commissioner, or in their absence by the Lord Chancellor and Councill, and the Certificat judicially produced the first day of the Parliament. That any Lord of Parliament so excused, may give his power to another of the same state, who shall be admitted to reason and vote for him, Ia. 6. p. 22. c. 7. pag. 588.

Heraulds, Maissers, or Trumpeters absent from the Parliament, or present and not doing duty, tine a years Fee for the first fault, and for the second may be deprived, Ia. 6. p. 11. c. 35. pag. 546.

That each State wear the Apparel to be appointed by the King, under the pain of *two hundred pounds*, and to be debarred forth of the Parliament, *ibid.* c. 36. pag. 547.

That the number of the Lords of Articles be equal in each State, and the fewest of each State six, and the most ten, *ibid.* c. 37. pag. *ibid.*

That all persons accused for Treason or other Crimes, may have their Advocats, who may freely plead for them, annulling all Acts in the contrary, *ibid.* c. 38. pag. *ibid.*

Decisions in Parliament upon Cognition of the Cause, may not be called in question by any Inferiour Judge, *ibid.* c. 39. pag. *ibid.*

That the above-written Order of Parliament be inviolably observed, and the King promises to do nothing directly or in-

indirectly in prejudice of free voting and reasoning therein, *ibid.* c. 40. pag. *ibid.*

That there be no quarrel nor trouble made in Parliament for Priority of place, otherwise then by Supplication, and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King and the Lords of the Articles, as disturbers of the peace, *ibid.* c. 41. pag 548.

That no Ratification be past in Parliament upon simple Articles of Parties, but that the matter be first passed by infeftment upon composition payed to the Thesurer, *ibid.* c. 79. pag. 572. The act is, *Anent the hearing of the Thesaurers accompts &c*: And that any such Ratification past, be not booked without a Certificat that the Thesaurer is satisfied, and that otherwise the samine be null: And that Ratifications of particular Rights in this Parliament prejudge not the Rights of others. Ja 6. par. 12 cap. 132. pag. 628.

The like Act *Salvo* as to Ratifications and other Acts in favours of particular persons, whereunto others were not called, Ia. 6. p. 14. c. 219 pag. 701. p. 21. c. 11. pag. 870. p. 22. c 23. pag. 922. and p. 23 c. 33. pag. 1012.

To strike, hurt, or slay any person in the Parliament-house during the holding thereof, is Treason, Ja 6. p. 13. c. 177. ¶. 1. pag. 664.

That when the Parliament is proclaimed, four of each State be appointed to meet twenty dayes before the sitting thereof, to receive all manner of Articles and Supplications concerning general Laws or particular Parties, which are to be delivered to the Clerk Register, and by him presented to the saids persons of the Estates, that they may reject what is frivolous and improper, and present things reasonable formally in a Book to the Lords of the Articles, and that no Article or Supplication wanting a Title, or unsubscribed, be read or answered. Reserving to the King to propone Articles at all times concerning himself, or the Common-wealth, Ja. 6. p. 14. c. 218. pag. 702.

Act *Salvo Jure*, declaring that no privat Act past in that Parliament shall prejudge his Majesty as to the Acts of Revocation anent the Superiorities of Erections, anent Regalities of Erections, and anent his Majesties annexed property, nor yet any other third party of their lawful Rights and Defences, but the Parties are to be judged according to the right standing in their Persons, before the making of the saids particular Acts. And this is declared to be the true meaning of all Acts *Salvo Jure*. There are some exceptions made in this Act, Car. 1. p. 1. c. 31. *pag.* 76. The

That the Lord Chancellor for the time, or in his absence he who shall be nominat by the King, hath right to Preside in all Parliaments, and other Publick Judicatories where they shall happen to be present; and that at the first down-sitting of Parliament they administrat to all its Members the Oath of Allegiance, and Oath of Parliament, as in the Act: And all Acts as to the President, or Oath of Parliament contrary hereunto, are Rescinded, Car: 2: par: 1: Sess: 1: c: 1: pag: 133.

The Parliaments and Committes after the Engagement, 1648. Rescinded. Car: 2: p: 1: Sess: 1: *c: 9: in fine pagina* 144.

The Parliamunts, 1640, 1641, 44, 45, 46, 47, and 48. Rescinded, *ibid.* c. 15. pag. 175. See *Rescissory.*

Act *Salvo Jure, Ibid,* cap. 63. pag 277. The like, *ibid,* Sess: 2: c: 11. pag. 308. The like Act, but excepting the Ratification of the Duke and Dutches of *Buccleuch,* their Contract of Marriage past in that Session of Parliament, *Ibid.* Sess: 3: c: 30: pag: 356. The like, Car: 2: p: 2: Sess: 1: c: 21: pag: 418: The like, *Ibid:* Sess: 2: c: 10: pag: 438: The like, *Ibid:* Sess: 3: c: 23: pag: 510. And the like, excepting from it the twenty sixth Act of this Parliament concerning publick Debts, Car: 2: p: 3: c: 28: pag: 567.

Act concerning the election and constitution of the Lords of the Articles, where the Clergy choose eight of the Nobility, the Nobility eight of the Clergy, and these sixteen elected, or such of them as present, eight Barons, and eight Burgesses, to whom his Majesties Commissioner adds the Officers of State, and the Lord Chancellor to Preside: Which Lords of Articles are to prepare Laws, Acts, and Overtures, and order all things remitted to them by the Parliament, Car: 2: p: 1: Sess: 3: c: 1: pag: 311.

Act discharging voting by Billets. Car: 2: p: 1: Sess: 3. The Act is, *Act Rescinding two Acts,* &c. Marked after the Index of the printed Acts. pag. 358. And insert after the Index of unprinted Acts, *9. September* 1663: pag: 373.

PASSE.

That no man break the Kings safe Conduct, under the pain of Death, Ja: 3: p: 12: cap: 87: pag: 126.

PASSING FORTH of the REALM.

That Clerks or Laicks passing forth of the Realm, make their Exchange of money with Exchangers within the Countrey, and that Clerks signifie this and their going to the Chancellor, and Laicks to the Chamberlain, under the pain of *twenty pounds* to the King, Ja: 1: p: 6: c: 84: pag: 24.

That

That no man Spiritual or Temporal pass forth of the Realm without licence, or being abroad, do any thing against their licence: And that they have out no money under the pain of Proscription and Rebellion, and to be demeaned as Traitors. The Act proceeds upon a Preface of abuses committed at the Court of *Rome*, Ja: 4: p: 5: c: 53: pag: 174.

That persons going out of the Kingdom for farther knowledge of Letters, have the Kings licence, and in what terms. See Ja: 6: p: 6: c: 71: pag: 411. In *Religion*. Acts anent the Youth going abroad. See it in *Youth*.

PATRON.

That Patrons present a qualified person within six months after they have knowledge of the Vacancy to the Superintendent, or Commissioner of the Kirk, otherwise the Kirk may dispone upon the Benefice, in case the Patron and Superintendent differ, the Appeal to be made to the Superintendent, and Ministers of that Province, and from them to the General Assembly, who decide finally in the matter, Ja: 6: p: 1: c: 7: ¶: 2: pag: 360.

That Patrons of Provostries, Prebendaries, Altarages, and Chaplainries may present the same to Bursars in Colledges at their pleasures, and they are requested to do the same, Ja: 6: p: 1: c: 12: *in fine* pag: 364.

Amply Ratified, and the King with advice of the Estates expresly declares, that it was never his mind to prejudge the saids Patrons, as to the saids Benefices, but that the Bursars and Titulars thereto provided, may fully and freely bruik the same, conform to the old Foundations, notwithstanding any application made thereof the time of Popery, or any disposition made thereon by his Majesty, Jam: 6: par: 12: c: 161: pag: 650.

Both Ratified: And it is farther declared, that the entry of the Vassals of the saids Benefices shall belong to the saids Patrons, as Superiors, in place of the Titulars, without necessity of the Titulars or any others consent; reserving alwayes to the Titulars the Fruits and Profites of the said Benefices: And where Burghs and their Magistrats were before Patrons, they are now also declared to be Superiors, Car: 2: p: 1: Sess: 1: c: 54: pag: 255.

That Laick Patrons have right to the Fruits of their Benefices vaiking, insinuat by Act, Jam: 6: p: 8: c: 137: ¶: 2: pag: 484: The Act is, Touching the provision to his Highness of a Guard, &c: par: 12: c: 117: *in fine* pag: 611: The Act is, Unqualified persons being deprived, &c. and p: 13: c: 176: *in initio* pag: 663: The Act is, Infeftments given by the King, &c.

Laick

Laick Patrons Infeft in the right of Patronage cannot be hurt by any long poſſeſſion of any Eccleſiaſtick Perſon geting the poſſeſſion, and pretending right to the benefice while the Lands were wodſet: But the Laick Patron redeeming, returns to his right of preſentation, Ja. 6. p. 11. c. 61. pag. 565.

A ſentence of deprivation being intimat to the Patron, he muſt preſent within ſix moneths, otherwiſe his right for that time devolves to the presbytery, Ja. 6. p. 12. cap. 117. *circa medium.* pag. 611.

All Infetments granted, or to be granted by his Majeſty, containing the Gift of any Patronage which pertained before to him, and whereof the Titular is alive, and not conſenting to the Gift, the ſamine is declared null by way of exception or reply, as to the ſaid Patronage, unleſs the Beneficed Perſons conſent ſhall be there-after obtained, Ja. 6. p. 13. c. 176 ¶. 2. and 3. pag. 663. and 664,

No Beneficed man under a Prelate may ſet longer Tacks of Teinds, or others belonging to his Benefice, without conſent of the Patron, then for the ſpace of three years, Ja. 6. p. 14. c. 203. pag. 692 See *Benefice.*

A perſon being provided by the King or his Donator to a Benefice, at his Majeſties preſentation, by reaſon of the forefaultour of the Patron; and the Perſon preſented having obtained Letters conform, and being in peaceable poſſeſſion, his Right and Title ſtands good, notwithſtanding of the reſtitution of the Patron forefaulted, or the reduction of his forefaultour, but prejudice to the Patron of his right upon the next vacation, Jam. 6 par. 20. c. 12. pag. 848

That Patrons may lawfully take Tacks, or Conditions of Tacks, from Intrants, with Reſervation to the Kirk of a ſufficient maintenance, Jam. 6. par. 21. cap. 1. ¶. 5. pag. 857. (See *Simonie*) and the ſame is again declared without prejudice of the Miniſters maintenance modified, or to be modified, Car. 2. par. 1. Seſſ. 1. cap. 9. *circa finem.* pag. 147. The Act is, Act *approving the Engagement*, 1648. &c.

Laick Patronages pertaining to ſubjects before the year 1561, fall withing the Compaſs of the general Submiſſion, and his Majeſties Determination thereon, in ſo far as concerns a competent maintenance to the Miniſter: the Teinds of other mens Lands, and his Majeſties Annuity, and the remanent Teinds thereof, to pertain to laick Patrons in price, or rate, in all caſes where they were in poſſeſſion thereof, ſeven years within the fifteen

fifteen years, immediatly preceeding the said submission; but there is a reference made to his Majesty of differences where the Titular, or Minister were in possession of the Benefice for the said space. Car. 1. par. 1. cap. 19. *circa finem* pag. 61. The Act is *the Commission for Valuation of Teinds*, &c.

That the rescinding of the Act, 1649. which did abolish Patronages, and gave the Patrons right to the Teinds in place thereof, doeth not give the present incumbents any farther right to the Teinds, then they had before the making of this Act, Car. 2. p. 1. Sess. 1. cap. 9. *in fine* pag. 147. The Act is, *Act approving the Engagement*, 1648. &c.

That all Patrons of Kirks, or Benefices of Cure, be careful to present pious, Loyal, learned, and peaceable men, who shall take, and subscribe the Oath of Allegiance before a Judge Ordinary, before the granting, and their accepting the presentation, otherwise if a Person that hath not taken the Oath, shall be presented, the presentation shall not only be void, but the right thereof as to that Vacancy shall belong to the King, and the Patron be repute disaffected to his Majesties Government, and a Contemner of his Authority, Car. 2. par. 1. Sess. 1. cap. 36. pag. 195.

PAYMENT, See *Money*.

Order for payments on the then change of money, and that Wodsets upon the money running at that time, be out quit by the same, or by the avail, Jam. 2. par. 8. cap. 37. § 1. pag. 64.

That Debts be payed of the same sums in substance, as it was intended betwixt the Parties, before the Act crying up the money, and that usual money of *Scotland* in all by gone Contracts, be understood as the money went before it was cried up, Jam. 3. p. 3. cap. 19. pag. 96. and par. 8. cap. 68. pag. 119.

The King being prayed, grants, that if he cried down the money, yet payments shall be made at the present avail, Ja. 3. p. 3. cap. 21. pag. 97.

That of black, or Copper money, there be taken in payment, *Twelve pennies* only in the pound, Jam. 3. par. 4. cap. 22. pag. *ibid.* Augmented to *Two shillings per* pound, *Ibid.* cap. 23. *circa finem*, pag. 99.

PEACE,

PEACE, See *Feede.*

That Peace be keept, and holden through the Realme, and that no man move weir againſt another, under the pain of Law, Jam. 1. p. 1. c. 2. pag. 2.

That the King make Peace and Unity, among his great Lords, and that they, and the Juſtices make Unity among ſmaller Perſons, Jam: 3: p: 13: cap: 91: pag: 128.

That the King for Peace, make all Parties, and Perſons, to be at Friendſhip, and concord, and puniſh the Party obſtinatly refuſing, Jam: 4: par: 2: cap: 8: pag: 149.

PECK to the Boll.

That in Bargains for Victual, no eek, or addition, of any quantity be made, except upon payment for the ſame price, as is conditioned for the firſt Boll, and that under the pain of *fourty ſhillings* to be payed by the Receiver, for every Boll otherwiſe received, (beſide the price) the half to the King, the other half to the Delator, Jam: 6: par. 23: cap: 17: pag: 977.

PEDAGOGUE, See *Youth.*

That Pedagogues ſent by Noblemen, and Others, with their Sons out of the Countrey, have the Biſhops Teſtimonial of his Religion, and Learning, under the pains, to the Earl of *Five Thouſand pounds*, to the Lord of *Five Thouſand merks*, and to the Barron of *Three Thouſand merks*, Jam: 6: p: 20: cap: 1: pag: 828.

That none be admitted Pedagogues without Licence of the Ordinary, Car. 2. par. 1. Seſſ. 2. cap. 4. *in fine*, pag. 294. The Act is, *Act concerning Maſters of Univerſities*, &c.

That Pedagogues take the Teſt, Car. 2. par. 3. cap. 6. *in medio pagina*, 536. See it in *Teſt.*

PENSION.

That no penſion be purchaſed of any Benefice without conſent of the Poſſeſſour, Jam. 3. p. 1. cap. 4. pag. 90.

He who pretends right to any Penſion purchaſed after the date of this Act, ſhould produce the principal Gift, and the ſame being improven, or reduced, any Ratification, Confirmation, Decreet, or Letters thereupon fall *in Conſequentiam*, Jam. 6. p. 11. c. 62. pag. 566.

Act

Act Ratifying the Clause in the Act of Annexations, 1587. about Pensions, and that all Pensions out of Prelacies, whether Spirituality, or Temporality thereof, not authorized by decreet, or Possession in the Prelats life, and before the Act of Annexation, be null, and of none avail. Jam. 6. p. 12. cap. 139. pag. 634.

PERAMBULATION.

That in Perambulations, the Persons of inquest be honest, substantious men, Heretours within the Shire, if they may be had, or four halfs about, or four next Shires, that best knows the meiths of the Lands, unless the breives be proven by a bounding evident, or Authentick writ, Jam. 6. p. 6. cap. 79. pag. 426.

PESTLENCE.

That Houses be closed up the time of the Pestilence, or if the Inhabitants be unwilling to be closed up, that they be put out of Towns, and that no man burn, (that is singe for cleansing) an others House, but gif it may be done without his Neighbours skaith, Jam. 2. p. 13. cap. 57. pag. 73.

PEWTER.

That Pewterers put the mark, and his own Name upon his Work, And that it be of the finest, marked with the Rose in *England*, under the pain of escheat thereof, and further punishment by the Magistrats; and for this end that there be Sey-masters appointed, and that Pewterers take betwixt the pound of old Tin, or Pewter marked with the Rose as said is, and the pound of new casten by them. *Two shillings* allanerlie, under the pains foresaid, Car. 2. p. 1. Sess. 3. cap. 8. pag. 322.

That broken Pewter be not exported, Car. 2. p. 1. Sess. 1. cap. 46. pag. 247. See in *forbidden-gudes*.

PILGRIMAGE.

That none go in Pilgrimage to Kirks, Chapels, Crosses, or the like, keep Saints dayes, sing Carrales, or observe any other Superstitious Papistical rite, under the pain of *an Hundred pounds* the Landed man, *an Hundred merks* the unlanded man, and *fourty pounds* the Yeaman, and the offender not responsal, to be Imprisoned for the first fault, and for the second, that the offenders be punished by Death, as Idolaters, Ja. 6. p. 7. cap. 104. pag. 445.

PLAN-

PLANTATION of Kirks.

Commission for Plantation of Kirks, the meaneſt Stipend, where the fruits of the Benefice may afoord it, *Five Hundred merks*, or *Five Chalder of Victual*, the higheſt *an Thouſand merks*, or *Ten Chalder*, and power given to recompence Patrons, Tackſmen, and Sub-tackſmen, by Tacks, Prorogations, and otherwiſe, as the Commiſſioners ſhall think fit, Declaring that where this Commiſſion ſhall take effect by Decreet, the perſons having right to the Teinds ſhall not be farther quarelled, and this Commiſſion to endure, until the firſt of *Auguſt* 1618. Ja. 6. par. 22. cap. 3. pag. 879. *Anno* 1617.

Another Commiſſion for Plantation of Kirks, almoſt in the ſame terms, appointed to begin the tenth of *Jannuary*, 1622, and to endure for year, and day, Jam. 6. p. 23. cap. 5. pag. 956.

Act Ratifying the Act of Commiſſion of Surrenders, twenty ſixth of *June*, 1627, finding eight Chalder of Victual, or Proportional in Silver, and Victual, to be the loweſt maintenance for any Kirk, except particular reaſons occur. Which are by this Act referred to be conſidered by the Commiſſioners for Plantation, *&c.* And all Acts, and Decreets of Modification, already made by the ſaid Commiſſion, are Ratified, and Letters ordained to be direct thereon, Car. 1. p. 1. cap. 8. pag. 24.

Commiſſion for Valuation of Teinds, and Plantation of Kirks, Car. 1. p. 1. c. 19. *Anno* 1633. pag. 53.

All Decreets, and Sentences, given by the Commiſſions for plantation of Kirks, in the years 1649, and 1650, are declared to be valide, albeit the authority of theſe Commiſſions be declared void, except in ſo far as the ſame upon complaint, ſhall be found to have been unjuſtly pronounced by the Commiſſion, to be given in this Parliament, Car. 2. p. 1. Seſſ. 1. cap. 9. ¶ 4. pag. 145. The Act is, *Act approving the Engagement*, 1648, &c.

Commiſſion for Plantation of Kirks, and Valuation of Teinds, Ratifying all Acts, and Decreets of former Commiſſions, granted ſince the year, 1640. Albeit all Parliaments ſince that time be reſcinded, this Act gives power to value, but not to ſell Teinds, even where Miniſters are in poſſeſſion by leading, as alſo allows Heretors to buy, any time within three years after Valuation, Car. 2. par. 1. Seſſ. 1. cap. 61. *Anno* 1661. pag. 262.

Com-

Commission for Plantation of Kirks, and Valuation of Teinds, Ratifying the Commission, 1633. (except as to Alterations made by subsequent Commissions ratified in this Parliament) As also the Commission, 1661. This Commission almost of the same Tenor with the former, only it excepts from the Ratification of the Acts and Decreets of former Commissions, since the year, 1640. all Decreets of Valuation, or Modification, past since the year, 1637. Whereby the Bishops are prejudged of what they then Possessed. Car. 2. par. 1. Sess. 3. cap. 28. pag. 350.

Commission for plantation of Kirks, and Valuation of Teinds, much of the Tenor of the former, and referring to the Commission, 1633. As to the modifying, and setling of Stipends, and giving Heretors liberty to buy within three years after the date of the Act, which is of the 28. *August*, 1672. And if they be Minors, two years after their Majority, *&c.* Car. 2. par. 2. Sess. 3. cap. 15. pag. 470.

PLANTING and POLICY.

That Free-holders cause their Tennents, plant Woods, Trees, and Hedges, and sow Broom, in convenient places, Ja. 2. p. 14. c. 80. pag. 83.

For Planting, and Policy, That every Lord, and Laird, make Parks, with Deere, Stanks, Cunningairs, Dowcats, Orchyeards, and Hedges, and plant at least an Aiker of Wood, Ja. 4. p. 6. c. 74. pag. 183.

Ratified, And that every man having *an hundred pound Land* of new Extent, where there is no Wood, plant Wood, and make Hedges, and Haining, extending to three Aikers, less or more, effeirand to his Heretage, and that they cause their Tennents plant for every *merk Land*, a Tree, under the pain of *ten pounds* to be payed by each Laird that failzies, and the King may give Commission to execute this Act, Jam. 5. par. 4. cap. 10. pag. 203.

Acts against peeling, barking, and destroying of Wood: See in *Thieft*, and *Wood*, specially the Act. Ja. 6. par. 19. c. 3. pag. 821. in *Thieft*. Which provides particularly, and amply, for the preservation of Planting, Inclosures, and all manner of Policy.

Act Ratifying the Act, Ja. 1. p. 4. c. 9. Entituled, *An Act for Planting of Woods, Forrests, and Orchards*, (but

there

there is no such Act, but the Act meaned must be, Ja. 1. par. 14. cap. 80. pag. 83. To sow Broom, and make Hedges. Or Ja. 4. par. 6. c. 74. pag. 183. That Hedges, and Parks, &c. be made.) And all other Acts for that effect: And farther, That every Heretor, Liferenter, or Wodsetter worth *a thousand pound* of valued Rent, Inclose yearly for ten years next ensuing, four Aikers of Ground, and plant the same with Oak, and other Trees, at three Yards distance; and other Heretors of greater or less rent accordingly, and that they uphold the same, and they may at the sight of a Judge Ordinary, cast about the High Wayes, not exceeding two hundred Elns on their whole Ground, And where there are Liferenters, that the charges divide betwixt them and the Heretors: And that proper Wodsetters shall have the charges of their planting eeked to the reversion: And who cut or breaks any such Tree, shall pay *twenty pounds*, or who breaks down the Inclosure *five pounds* to the Heretor, or work six weeks, or ten dayes to him for meat, and drink only. And these Inclosed Grounds are declared free of all Burdens, and Quarterings of Horse, for ninteen years after the date of the Act. That Neighbours keep their Beasts off others Inclosures at all times, under the pain of *five pounds toties quoties* to the Owner: And that where Inclosures fall to be made on Marches, the next Heretor be at half charges, Car. 2. p. 1. Sess. 1. c. 41. *pag.* 235. And if the Marches, be crooked, and unequal, or unfit for Dike, or Ditch, the Incloser may require the Sheriff, Justices of Peace, or other Judge Ordinary, to visit and regulat the Marches, with the best conveniencies, by adjudging pieces *hinc inde*, and ordaining any *superplus* price that happens for adjusting, to be payed that the Dike, or Ditch so made, be thereafter the common March, Car. 2. p. 2. Sess. 1. c. 17. pag. 413.

PLAYES.

Act discharging the Playes, and Personages of *Robin Hood, Little John, Abbot of unreason, and Queen of May*, Q. M. p. 6 c. 61. pag. 307.

PLEDGES. See *High-lands.*

That no Nobleman, or Baron, (being burdened therewith,) refuse to accept of High-land, or Border Pledges, but that they receive them, and be answerable for them, under the pain of *two thousand pounds* for each Pledge, Jam. 6. p. 16. c. 28. pag. 786.

PLEY.

PLEY.

That no Lord of Session, Ordinary, or Extraordinary, Advocats, Clerks, Writers, their Servants, or any other Members of the Colledge of Justice, or of any Inferiour Judgement, be themselves, or others, to their behoove, buy any Lands, Teinds, Rowms, or Possessions depending in pley, undecided, under the pain of tining their places, and all Priviledges thereof, Jam. 6. par. 14. c. 220. pag. 701.

PLOUGH, See *Labouring*, & *Sowing*.

POINDING.

That Poinding for maills and Annual-rents, be deferred to the third day, after the solemn dayes of Whitsunday, or Martinmes, Ja 3. p. 5. c. 34. pag. 103. See *Sabbath*.

That Horse, Oxen, or other Goods pertaining to the Plough, and Labour, be not poinded the time of labour, where other Guides, or Lands, may be had to be Poinded, or Aprised, Ja. 4. p. 6. c. 98. pag 192.

That Decreets given in actions of double Poinding, for the party compearing may not be quarelled as to by-gones by the party absent, unless he have an necessary cause of absence: And that Minors lesed by their absence, have action of damages against their Tutors, and Curators allanerly. But if the Minor have none, that he be restored as accords, Jam. 6. par. 9. cap. 3. pag. 499. Albeit this Act be declarative, and was made to comprehend all causes then depending, and undecided, yet it is afterward restricted to reductions of such Decreets, as were obtained after the making thereof allanerly, Ja. 6. p. 10. c. 19. pag. 513.

Ratification of the Act, Jam. 6. par. 18. cap. 10. pag. 810. In Horning, and that Letters of Poinding be in like manner Directed upon Sheriffs, Commissars, and other Inferior Judges Decreets, mentioned in the said Act, and this Act drawn back to the Twelfth of *June*, 1649, Car. 2. par. Sess. 1. c. 29. pag. 188.

That poinding be not used upon Bands, or Decreets, for Personal Debts, until the Charge be given and expired, under the pain of Spuilzie: But prejudice of Masters Decreets against their Tennents, in their own Courts, and Superiors poinding for Few-dowties, as formerly. Car. 2. p. 1. Sess. 1. cap. 4. pag. 383.

POOR

POOR, See *Beggars.*

For preventing the encreaſe of Beggars, his Majeſties Leiges at ſight of Provoſt, and Baillies within Burgh, or of Kirk Seſſions, either to Burgh, or Landwart, may receive the Children of Indigent Parents, with conſent of their Parents, if they any have, and if they be under fourteen years, and with their own conſent if above, and breed them either in their Houſes, or at Callings: and upon a Teſtimonial hereof, the ſaids Children ſhall be aſtricted to their ſaids Maſters, their Airs, and Aſſignes, in all manner of Service, and be under all manner of Diſcipline, (life and torture excepted) until they be paſt thirtie years of age, and all their gain by their travel ſhall be their Maſters, and they ſhall be bound to refound his damage for their abſence, and who keeps them from him after Requiſition for redelliverie upon Twelve hours, ſhall be lyable in *Ten ſhillings, per diem*, beſide the redeliverie, Jam. 6. par. 22. cap. 10. pag. 906.

Ratified, with this Addition, that all Maſters of Manufactories, may with advice of the Magiſtrats of the place, ſeize Vagabonds, and idle Poor Perſons, and imploy them in their work, and exact off the Paroches where they were born, or if not known, the Paroches where they have haunted for three years before, *two ſhillings, per diem*, for the next three years, in manner preſcribed in the Act. And thereafter may retain them ſeven years in their ſervice, for Meat and Cloaths, Car. 2. par. 1. Seſſ. 3. cap. 16. pag. 334.

The overſight of the Poor committed to the Juſtices of Peace, who are Impowered to appoint two, or more Overſeers, in every Paroch, and take accompt of them as in the Act, Car. 2. par. 1. Seſſ. 1. cap. 38. ¶. 3. pagina 221. See it in *Juſtice of Peace.*

Order for appointing, and entertaining one, or more, in each Paroch, on the Heretors expences, to teach poor Children, Vagabonds, and Idlers, to fine and mix Wool, ſpin Worſted, and work Stockings, *Ibid.* cap. 42. *circa medium*, pag. 239.

Act for eſtabliſhing Correction Houſes, for Idle Beggers, and Vagabonds, in the Burghs, upon the allowance, and in way, and manner fully ſet down in the Act. Car. 2. par. 2. Seſſ. 3. cap. 18. pag. 496.

POPE.

POPE.

Act Ratifying the Act of Parliament, 24 *August*, 1560, abolishing the Popes Jurisdiction, and Authority, within this Kingdom, Ja: 6: p: 1: cap: 2: pag: 336.

That all Bulles, Provisions, Confirmations, and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners to be appointed by his Majesty, and in case the same be found true, and lawfully purchased, before the Twenty fourth of *August*, 1560, that they be Registrat, and marked, otherwayes, that they be declared null, Jam: 6: par: 3: cap. 51. pag. 294.

POYSON.

That no Man, nor Woman, inbring any kind of Poyson, through which Man or Woman may take Bodily harm, into the Realm, for any manner of use, under the pain of Treason, Jam: 2: par: 7: c. 31. pag. 61.

And this Act extended against Strangers, *Ibid*, cap: 32: pag: *ibid*.

PREACHING.

That none be permitted to Preach without Licence of the Ordinary, Car: 2: p: 1: Sess: 2. cap. 4 *in fine*, pag. 294. The Act is, *Concerning Masters of Universities*, &c.

PRECEPT.

That Precepts upon retours pass as before to the Sheriffs, and other Judges, with the clause *capiendo securitatem*, without urging Parties to present payment, Jam: 6: par: 12: cap: 126. *in fine*, pag: 622. The Act is, *Anent the duty of Sherriffs*, &c.

That no Precepts of Saisin be thereafter written, to, or under the Quarter Seal, but that they be ingrossed in the end of the Charter, Car: 2: p: 2: Sess 3: c: 7: pag: 460:

PRELAT, and PRELACIE.

When Prelacies, that is Bishopricks, and Abbacies vaik, the nomination thereof pertains to the King, and the provision to the Pope, and that none take their Places, Castles, Strengths, or Abbacies, without the Kings Authority, or the Convents consent, the Abbacie vacking, under the pain of high Treason, Jam: 5: par: cap: 125: pag: 257.

That all Gifts, and Diſpoſitions of Prelacies, Abbacies, Priories, and Nunries, made by the King upon the Reſignation of the Poſſeſſors, reſerving their Life-rents, are null, and that no Gift of any Prelacy be valide in time coming, except it vaick be deceaſe, For-faulture, or ſimple Dimiſſion, Jam. 6. par. 9. c. 1. pag. 495. But this Act corrected, and declared to be of force only, *quoad futura*, and Gifts made after the date thereof, Jam. 6. par. 13 cap. 186. pag. 670. And for obviating of Frauds as to antedates, all Gifts not paſt with all Solemnities, and ſpecially not exped through the great Seal, before the making of the ſaid Act, Jam. 6. par. 9. cap 1. pag. 495. are excepted, and declared null, Ja. 6. p. 15. cap. 278. pag. 743.

That Prelats be free of warrandice except from fact and deed, in reſpect of the Annexation, 1587. Jam. 6. p. 11. c. 111. pag. 590. See it in *Annexation*.

That Prelats, and Other beneficed Perſons, have relief of Taxations upon their Vaſſals, Penſioners, and Tackſmen; Ja. 6. p. 14. c. 232. pag. 713.

That all Miniſters provided to the title of an Biſhop, Abbot, or other Prelate, have vote in Parliament, ſic-like as Prelats had of old, Jam. 6. par. 15. cap. 235. pag. 717.

That two part of the Spirituality unaſſumed of all Prelacies vaicking, and Rents, and profits thereof, *ſede vacante*, appertain to the King, and may not be diſponed by Penſion, Gift, or otherwiſe, *ibid.* cap. 242. pag. 721.

PREROGATIVE, See *King*, and *Oath of Allegiance*.

PRESBYTERY, See *Kirk*.

PRESCRIPTION, and INTERRUPTION.

Obligations preſcribe, if the Party to whom they are made, follow not the ſame within fourty years, and take document thereupon, Jam. 3. p. 5. c. 28. pag. 101. extended to by-gone Obligations, elder then fourty years, and not depending in Law, the time of the making of the foreſaid Act, Jam. 3. par. 7. cap. 54. pag. 114.

That

That Summonds of Error of Inqueſts be perſued by the Party leſed, if Major, and within the Realm, within three years, otherwiſe he ſhall never be heard in that action, for to reduce the ſaid Error, Jam. 4. p. 5. c. 57. pag. 176. But corrected, and reſtricted to the Members of Inqueſt, ſo as they may not be made lyable after three years for Error, without prejudice to the party leſed to perſew for reduction of retours, to be exped in time coming, within the ſpace of twenty years, for recovery of his right, after which ſpace allanerly, the ſaid Action of Reduction is to preſcribe, but this Act prejudges not ſuch as have already acquired, *bona fide*, from Perſons retoured before the date thereof, Ja. 6. p. 22. c. 13. *Anno* 1617, pag. 911.

Actions of Spuilzie, Ejections, and Others of that nature preſcribe, if not perſewed within three years, after committing of the deeds, unleſs the party leſed be Minor, who is allowed three year after his Majority, Jam. 6. par. 6. cap. 81. pag. 427. Ratified, Jam. 6. par. 7. cap. 119. pag. 466.

Actions of removing preſcribe in like manner, if not perſewed within three years after the warning, Jam. 6. par. 6. cap. 82. pag. 428. But without any exception as to Minors.

All Actions of Debt for houſe mails, mens ordinars, Servants Fees, Merchants Compts, and others the like Debts, not founded on writ, preſcribe, if not perſewed within three years, unleſs the Perſewer offer to prove his Claim by Writ, or Oath of Party, *Ibid.* cap. 83. pag. 428.

No neceſſity to produce Procuratories, and Inſtruments of Reſignation, Precepts of Clare *conſtat*, or any other precept of ſaiſin, nor ſhall the want thereof be ane cauſe of reduction after fourty years poſſeſſion, by the Party, and his Authors, be vertue of their Infeftments, and where the Charter making mention of the Reſignation to have been made, and the Inſtruments of Saiſin mentioning the Precepts are extant, Jam. 6. p. 14. c. 218. pag. 700.

Where a Chartor and Saiſin, or where there is no Charter, Inſtruments of Saiſin one or more, continued and ſtanding, proceeding on retours, or precepts of *clare conſtat* are produced, and the Party and his Authors by themſelves or others having their right by vertue thereof, in fourty years peaceable, and uninterupted poſſeſſion of the Lands, and other Heretages therein contained, the ſame are declared to be good, and unqueſtionable rights, upon any ground whatſoever, except falſhood, that all actions upon bands, or any other ground whatſoever, be perſewed

within fourty years, after the date thereof, unleſs the ground of the action be a reverſion, in the body of the Defenders right, or duely Regiſtrat, in which caſe the Action is declared to be perpetual. Actions of warrandice preſcribe not from the date of the Obligation, but from the date of the diſtreſs; But the years of the minority of the Party againſt whom preſcription is objected, are not counted to make up the fourty years Courſe thereof, and thirteen years allowed to ſuch, againſt whom fourty years Preſcription was run before the making of this Act, in which ſpace, they may intend their Actions for interruption, and yet they are not compellible to inſiſt on the firſt Summonds, unleſs the ſecond Summonds be alſo given, Jam: 6: par: 22: cap: 12: 18. *June* 1617. pag: 909.

Act Ratifying his Majeſties Letter, dated 12. *Novemb.* 1629, and Acts of Seſſion, and Secret Council following thereon, and Publication of the ſame, for interruption of the Preſcription of the threteen years, in favours of his Majeſty, according to the preceeding Act, Car: 1: p: 1: c: 12: pag: 36.

That Arreſtments on Decreets, as alſo on depending Actions, not perſewed within five years after Sentence, ſhall after that time preſcribe. Miniſters Stipends, and Multurs, not perſewed within five years after they are due, and Mails and Dewties not preſewed within five years after the Tennents removing, do thereafter preſcribe, unleſs they be proven to be reſting by writ, or Oath of Party, all bargains of Moveables, or ſums of money probable by witneſſes, preſcribe as to that manner of probation, after five years, all Actions on Warnings, Spuilzies, Ejections, Arreſtments, Miniſters Stipends, and others foreſaids, preſcribe within ten years, unleſs wakned every five years, but prejudice of ſhorter preſcriptions of any of the ſaid Actions, appointed by former Acts, and Holograph miſſive Letters, and Holograph Bands, ſubſcriptions in Compt-books without witneſſes preſcribe after twenty years, unleſs the verity thereof be offered to be proven by Oath of Party, but none of theſe preſcriptions run againſt Minors, Car: 2: p: 2: Seſſ: 1: c: 9: pag. 391.

That all Interruptions as to rights of Lands by Citations, be thereafter made by Meſſengers Perſonally, or at the Parties dwelling houſe, and at the Patoch Church, at, or after Divine Service, and that all Citations for Interruption, be renewed every ſeven years, or elſe preſcribe, except the Parties be Minors, *ibid*, cap. 10. pag. 393.

As also that the Execution be made before witnesses present, at the doing, and subscribing to the Execution, Car: 2: p: 3: c: 5: pag: 533.

PRICES.

That Barrons, Provests, and Baillies, set prices upon Bread, Ale, and all other necessary things, wrought, and bought, and that they appoint Prievers, Examinators, Ja: 4: p: 5: c: 56: pag: 176.

Ratified, and that they appoint Statutes in the premisses, and punish the breakers, and if they failzie herein, that they incurr the pain of *An Hundred pound*, Ja: 6: p: 7: c: 121: pag: 468.

That the King give Commission for setting prices on Crafts-mens work, and Stuff, Victual, and Salt, with power to punish the Transgressours, Ja. 5. par. 4. c. 30. pag. 213.

That Provests Baillies, and Council of Burghs, set prices on Wine, Salt, and Timber, as they arrive at any Port: And that the King, and his Lords, and Gentlemen, be first served. Ja. 5. p. 7. c. 100. pag. 247. Ratified, and that the prices set, be Proclaimed, and none of the saids Gudes sold for four dayes thereafter, that the saids Persons may be advertised, Q. M p. 6. c. 57. ¶: 2: pag. 305.

Prices set on wild, and tame Fowl, and that the Buyer, or Seller, that breaks the same, tine all his gudes as escheat, and his Person to be in will: And in this Act the black Cock is but *Six pennies*, and the tame Hen is *eight pennies*, Q. M. p. 5. cap. 12. pag. 276.

That reasonable prices be set on Crafts-mens Work, and all Victuals, to Burgh, and Land-wart, by the Magistrats, and Sheriffs, *Ibid.* cap. 23. pag. 283.

That none bearing charge or office within Burgh being Merchant, Home-bringer, or Portioner of Wine, and Timber, be a setter of Prices on the same, during his office, but that two Barrons, or Landed-men, be named at the *Michaelmas* head Court, in each Shire, and other two by the King, and his Council, all dwelling within Burgh, or Six miles thereof, and with them four to be chosen by the Burgh, and that these eight be the only Pricers of Wine, and Timber, for that year, and so forth to be chosen from year, to year, and if the four to be named by the Shire, and the King, be either not named, or do not concurr when required on fourty eight hours, that then the other four may by themselves set the saids prices, Jam: 6: par: 11: cap: 53: pag: 559.

Prices of Bills, and Letters, to be taken by the Clerks of the Signet, Jam. 5. par. 5. c. 61. pag. 223.

Prices of Writs, and Seals, to be taken by Writers, Clerks, and Keepers, first appointed by the Lords of Session, and then ordained by the Council in the year, 1606. and now Ratified, and Commanded to be observed in time coming, and that Writers, and Clerks, writ on the back of all Writs given out by them, the just price they receive, and subscribe the same, under pain of Deprivation, Jam. 6. p. 23. cap. 19. pag. 980.

There is also a farther regulation of the said prices, and fees, Car. 2. par. 2. Sess. 3. cap. 16. pag. 474.

PRINCE.

A general, and ample Ratification in favours of *Charles*, Prince, and Steward of *Scotland*, excepting therefra the Assignation made to the Castle of *Dumbartoun*, until some other provision be made in lieu thereof, Jam. 6. par. 23. c. 4. pag. 955.

PRINCIPALITY.

That the free Tennents of the principality, give sute, and presence, in Parliaments, and Justice Airs, when there is no Prince, Jam. 4. par. 2. cap. 16. pag. 154. See it in *Parliament*.

PRINTER.

That no Printer print any thing without Licence, under the pain of Confiscation, and Banishment, Q. M par. 5. c. 27. pag 285.

PRIORIE.

That all Fewers, or Vassals of Priors, or Prioresses, or Friars, or Nuns places, after the decay of their said Superiors, hold off the King, as they held of them, Jam. 6. p. 2. cap. 38. pag. 381.

PRISON-HOUSE.

That sufficient Prison-houses be built within three years in all Burghs by the Magistrats, and Council thereof on their Com-

Common gude, or otherwise on the Charges of the Brugh, for keeping their own, and all other Prisoners that shall be presented to them, but the Prisoners to be keept on their own expence, Jam: 6: par: 15: cap: 277: pag: 742.

The oversight of the condition of Prison-houses recommended to the Justices of Peace in their instruction, Car. 2. par. 1. Sess. 1. cap. 38. ¶ 17. *in fine pagina* 214. See it in *Justices of Peace.*

PROBATION.

An exception being admitted to probation, the Lords should declare how much of it is to be proven by Writ, and the Writ should be produced *in termino*, or diligence for it, otherwise that the term be circumduced: And if the Writ be produced, the other party may object against it, Q. M. p. 7. c. 63. pag. 309. See *Prescription*, as to the several manners of probation by Witnesses, Writ, or Oath.

PROCESS.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man, shewing the cause, and under the pain of Excommunication, Litis-contestation be made: And if the thing be confessed, that the Defender be charged to pay within fifteen dayes, under the said pain, but if denied, that a day be assigned to the Pursuer to produce all his proofs peremptorly, and that this day being come, another day be assigned to the Defender to produce all his exceptions peremptorly, and then a day assigned for sentence, so as Process be ended within fourty dayes: And that the Judge not observing the same, be condemned by his Ordinary to satisfie the Complainer, Ja: 1: p: 6: c: 87: pag: 24.

That for facility of Process, the same be given to the Pursuer on his expences, paying four pennies for each Act thereof allanerly, Ja: 4: p: 6: c: 67: pag: 181.

That no Process be granted before Inferior Judges on the first Summonds, but upon Libelled Precepts, and citation of fifteen dayes, conform to the Act of Parliament, Jam: 6: p: 23: c: 19: *in fine pagina*, 997. The Act is, *Ratification of the Act of Councill, anent the prices of Writs, Seals*, &c.

Act for regulation of Process before the Lords of Session, Car. 2. par. 2. Sess. 3. cap. 16. pag. 474.

PRODUCTION of WRITS.

That all persons may be charged in general or special, under the pain of Rebellion, to produce before Commissioners to be appointed by his Majesty, all Rentals of whatsoever Benefices, or Hospitals, or things pertaining thereto, with all Infeftments, Tacks, or other Rights made to them of any Kirk-Lands, Temple Lands, Teinds, or other Kirk Rents, that they may be inspected, and to deliver authentick Copies thereof, Ja: 6: p: 12: c: 133: pag: 628.

That all Fewers of the Temporality produce their Infeftments and Titles betwixt and the first of *January*, 1598. under the pain of nullity, Ja:6: p: 15: c: 249. pag: 723.

PROFANENESS.

Act against Profaneness, Ratifying the Acts, Jam: 6: par:22: c:20: against Drunkenness, Car. 2. par. 1. Sess. 1. cap. 18. for the due observation of the Sabbath, *ibid.* cap. 19. against Swearing and excessive Drinking, and *ibid.* cap. 36. ordering who shall execute the same in every Paroch, and how the Fines should be Collected and Applied, Car: 2: p: 2: Sess:3: c: 22: pag:508. See the Heads here mentioned.

PROTECTION.

The breakers of the Kings Protection being summoned on fourty dayes, the breaking shall be put to the knowledge of an Assize, whether the breaker compear or not, and if found guilty, he shall be unlawed in *ten pounds*, and Assith the Party, Ja: 1: p:11: c: 134:pag: 42.

That the Lords of Session grant no Protections from Legal Execution, declaring that the Granter shall be lyable to the Creditor for the sum, Jam: 6: par: 23: cap:13: pag: 974

Act Ratifying all former Acts against Protections, and discharging the Lords of Privy Council, Session, and Exchequer, to grant any from personal execution, certifying that the granters shall be lyable for the debt, and that the same shall not stop execution: Yet the saids Lords, as also the Justice General and his Deputes may suspend personal execution for a few dayes against persons appointed to appear personally before them, Car: 2: p: 1: Sess: 3: c: 4: pag: 318. The same again Statute, and that such as are accessory to the granting may be known, all Protections, Supersederies, and Licences, are ordained to be Signed, and the Subscribers are declared lyable for the Debt as Cautioners,

tioners, and Protections are ordered to be recorded, and that the Extract make Faith, and the foresaid liberty of Suspending Execution, is limitted to a moneth, and the Party citing any person that needs a Protection, must first make Faith that he is a material Witness, and also the Protection must bear the cause: And Protections granted contrary to this Law, do not only hinder personal execution, but if any Magistrat, or *Messenger*, do therefore refuse to concurr, he is declared lyable for the debt: As also, the Lyon, in case he refuse to depose the Messenger, refusing to concurr, as said is, Car: 2: par: 3: cap: 9: pag: 541.

PURPRISION.

No Vassal under the Barron hath power to hold Courts, or cognosce on Purprision, Ja. 3. par. 10. c. 79. pag. 123.

Who Labours, Incloses, or appropriats any part of his Majesties common Muirs or Commonties, commits Purprision, and should be punished according to the old Law and Consuetude, Ja. 6. p. 16. c. 5. pag. 766.

Q

QUARTERING.

All free Quartering of Souldiers, Transient or Local, discharged, Car: 2: p: 3: c: 3: *circa finem pagina* 529. The Act is, *For a voluntary offer of a new supply to the Kings Majesty.*

QUEEN.

That the Prelats and Barrons make the like Oath to the Queen, (The Oath is not specified, but it seems to be the like Oath that they make to the King.) Ja. 1. p. 8. c. 109. pag. 34.

All the Lords of Parliament, both Ecclesiasticks and Seculars, and the Commissioners of Burghs, promise Letters of fidelity to the Queen, Jam: 1: par: 12: cap: 136: pag: 43.

The third of the Kings Rents of Assise, that is of Lands and Customs, should be assigned to the Queen for her Dowry and Terce allanerly, and no farther, Ja: 3: par: 1: c: 2: pag: 89.

Confirmation of Queen *Anne's* Contract of Marriage, whereby the Earldome of *Fife*, Lordship of *Linlithgow*, and third of the property of the Crown were appointed to her in Joynture during her life, beside her Morning Gift from the King of the Abbacy of *Dumfermline*. And the Queen with advice of the King chooses a Council for the administration of her affairs, which nomination is also Ratified, Jam. 6. p. 13. c. 194. pag. 680.

Ratification of Queen *Anne's* Infestment of the Lordship of *Dumfermline* to her and the Airs of her body betwixt her and the King, which failzieing, to King *James* his Airs and Successors succeeding to the Crown of *Scotland:* As also, of all deeds made and granted, or to be made and granted by her, with advice of her Husband and Council, of the said Lordship, or any part thereof, in manner set down in the Act, Ja. 6. p. 21. c. 10. pag. 868.

Ratification of a Supplement of four made by Queen *Anne* of her Council, in place of so many of the former nomination deceased, and conform to, and in the terms of the said Act, Jam. 6. par. 22. cap. 11. pag. 908. See *Dumfermline*.

QUOTS of TESTAMENTS.

That no Quots of Testaments confirmed since the sixteen of *November*, 1641. or to be confirmed in time coming, be exacted, Car: 2: p: 1: Sess: 1: c: 28: pag: 188. But this Act repealed in favours of Bishops, *Ibid.* Sess: 2: c: 1: *circa finem paginæ* 285.

That the Quot be only payed for the free Geir in Testaments, and that for instructing the Debts, Creditors may be called, and also their, and the Executors Oath taken, as to the reality of the Debt. That Executors Creditors pay no Quot, in so far as effeirs to their Debt: And sic-like of Reliets confirming for their provisions, in so far as extends to five years purchase of the Life-rents confirmed for, that poor people not worth *fourty pounds*, their Confirmations be free of Quot, and for Fees of Court that they pay only *two pounds eighteen shillings*. That Heretable Debts where there is an Heretable Estate, defalk not off the Inventar in diminution of the Quot. That there be no divisions in Testaments in favours of the Relict, where she is excluded, or in so far as she is excluded, and that this exclusion be probable by her Oath: And that Commissar, Clerk, Fiscal, or other Member of Court contraveening this Act, be deprived without re-admission, Car: 2: par: 2: Sess: 1: c: 19: pag: 415: See *Testaments*.

R.

RATIFICATION.

Ratifications in Parliament are to be understood *Salvo Jure Cujuslibet*. Jam. 6. p 12. c. 130. ¶ 1. pag. 628. and p. 14. c. 219. pag. 701. And that whether the same be general or special, p: 18: c: 20: pag: 816. and p: 19: c: 9: pag: 825. See *Parliament*.

RAVISHING.

That Ravishers of Women be put under soverty, as in the Crimes of Slaughter and Mutilation, Jam. 5 par. 7. c. 118. pag. 255.

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free will, albeit it may exeem from Capital punishment, yet if at the instance of the Womans Kin-folk, or his Majesties Advocat, it be found by an Assise that the deed was at first violently done, it doth not free such as are guilty from the Arbittal punishment of Confiscation, Wairding, or Finning, Jam. 6. p. 21. cap. 4. pag. 861.

REBEL, and Reset of Rebels Criminal.

That none Rebell openly against the Kings Person, under the pain of forefaultour. Ja: 1: p: 1: c: 3. pag. 1. And if any refuse to enforce the King against such rebellers, they shall be challenged as favourers of them, *ibid.* c: 4: pag: 2: See *Treason*.

That none reset, or do favour to manifest Rebels against the King and Common *Law*, under the pain of forefaultour, Jam 1: p: 2: c: 37: pag. 9.

That where Rebels are reset within Castles, or where there is presumption violent of Rebellion, the Lievtennent raise the Countrey, and pass to such Houses, and arrest the Persons, and cause them find soverty, Ja. 2. p. 2. c. 3. pag. 50.

That none Rebell against the Kings person or Authority, and who so rebells, to be punished after the quantity and quality of their Rebellion, by the advice of the three Estates: and if any openly rebell against the King, or make Warr against the Leiges, against his forbidding, that the King

gang upon them with the assistance of the whole Land to punish them, Ja:2: p:6: c:14: pag:55.

And who assists in Reid, Comfort, Counsel, or Maintenance, such as shall be justified for the saids Crimes, fra the Crime be notour, or the trespassour convict, that he be punished as the principal, *Ibid*, c.15. pag. 56. This Act in the old Copy is a part of the former: And it is evident that the Title prefixed to it in *Skeens* Copy, viz. *of them who seeks revenge for trespassours justified*, is forraign and improper, and hath been prefixed by a mistake.

That Sheriffs, Baillies, and others do all diligence to apprehend all Rebels at the Horn for Crimes Capital, and that no man wittingly reset, maintain, supply, defend, or do them favour, under the pain of Death, and escheat of Moveables, Jam: 5: par: 7: cap: 97: pag: 245.

Persons denounced Rebels should be repelled *ab agendo*, Ja. 6. p. 6. cap. 75. *circa finem paginæ* 422. at the marginal Note, *The Names of Rebels should be published.*

All Acts against the reset of Traitors and Rebels Ratified, and that none supply or Intercommune with them, or give them any Relief, or Comfort, but that all do their uttermost to apprehend or expell them, under the pains due to the Rebels. Jam:6: p:12: cap:146: pag: 637.

Fraudful Dispositions, or simulat Gifts of Escheat exclude not the Thesaurer from intrometting with the Escheats of Rebels for odious Crimes, the Goods being still in the possession of the Rebel, his Wife, Bairns, or Friends, on the Ground, or in the House possessed by him before he was Rebel, or in the House where he hath since been reset; and the Thesaurer should cause detain and keep their Houses on the readiest of the Escheat Goods, *Ibid*, c. 145. pag. *ibid.* See *Escheat* and *Treason*.

RED-FISH, See *Salmond*.

REDEMPTION, See *Reversion*.

Decreets of Redemption upon lawful premunition and citation of the lawfull Contradictor, and who was also Summoned for Production and Improbation of all Writs that might prejudge the Reversion, and produced none, but for obedience hath renounced the Lands and others in the Decreet, cannot be again quarrelled at the instance of any Person, in any sort, Jam. 6. par. 12. cap. 136 pag. 631.

That Annual-rents redeemable may be redeemed by payment

ment of the Principal and bygone Annual at *ten per cent.* albeit the security was given for greater Annuall, *ibid.* c. 137. pag. 633. See it in *Annualrents.*

REEL.

That the length thereof be Ten Qarters at least, Car. 2. p. 1. Sess. 1. c. 43. pag. 241. The Act is, Act discharging the exportation of Linnen Yairn See it in *Linnen Yairn.*

REGALITIES, and BAILIES thereof. See *Sheriff.*

That Regalities in the Kings hand, while in his hand, be holden as Royalty, and justified by the Justice. And that the Free-holders thereof compear at Justice Airs, pay Suits within the Shire, and to Parliaments, as Free-holders of the Royalty, Ja. 2. p. 6. c. 26. pag. 59.

That all Regalities now in the Kings hand be annexed to the Royalty, and that no Regalities be granted in time coming without deliverance of the Parliament, Ja. 2. p. 11. c. 43: pag. 68.

That the priviledge of Regals be observed, but not abused, against the Kings Laws. Ja. 2: p: 14: c: 72: pag: 80.

The Officiar of the Regality being negligent in executing the Acts against Rebels for Capital Crimes, the Sheriff may do the same within the Regality, Ja. 5. p. 7. c. 97. *in fine.* pag. 245.

As in the Royalty the Fines of the Act of Apparel, Ja. 6: p: 7. c 113. pag: 457. are divided betwixt the King and the Sheriff, so in Regalities the one half is appointed to the Lord of Regality, and the other half to the Baillie, *ibid.*

That where the Justice General, or Kings Justice in that part, by Commission Summonds any Offender dwelling within Regality, the Baillie of the Regality may re-pledge, if he have prevented by citation, otherwise not, but only he may be adjoyned. No Baillie, or Steward of Regality, may repledge from the Justice Air, but only be adjoyned to the Kings Justice, without prejudice in both cases to their share of the Penalties and unlaws, Ja: 6: p: 11: c: 29: ¶ 27: After the marginal note *Jurisdiction* pag: 532. The Act is, *Annexation of the Temporalities of Benefices to the Crown.*

Ratification of all Liberties and Priviledges granted to Burghs Regal, Jam. 6: par. 18. cap. 16. pag. 814.

All Regalities pertaining to any Benefice whatsoever, except Archbishopricks and Bishopricks, declared to pertain

to

to the King and his Successors for ever, Car. 1 p. 1. c. 13 ¶. 2. pag. 44. See it in *Annexation.*

The office and duty of Baillies of Regality, briefly reckoned, Car. 2. p. 1. Sess. 3. c. 15. *in medio paginæ.* 332. The Act is for inbring of his Majesties rents. It is only done *Obiter.*

Magistrats of Burghs of Regality may Arrest none for Debt except their own Burgesses, Car. 2. p. 2. Sess. 3. c. 1. pag. 462.

The Liberties of Burghs of Regality as to Trade. See in *Burghs.*

REGENT of the REALM.

Ratification of the Dimission and Renounciation of Queen *Mary* in favours of her Son King *James* the Sixth, as als of her nomination of *James* Earl of *Murray* to be Regent to him, his Realm, and Leiges, ay and while he be of the age of seventeen years compleat, Ja 6. p. 1. c. 1. pag 333.

Ratification of the Nomination and acceptation of the Earle of *Marr* to be Regent, during the said space, Ja. 6. p. 2. c. 34. pag. 379.

Ratification of the nomination and acceptation of the Earl of *Mortoun* to be Regent during the Kings Minority and less age, Ia. 6. p. 3. c. 44. pag. 385.

REGISTER, and REGISTRATION.

That the Kings Register and Rolls be put in Books, Ia. 3. p. 5. c. 39. pag. 107. And that the Exchequer Rolls be altered, and made in Books of Parchment, Car. 2. par. 2. Sess. 3. c. 16. ¶ 4. pag. 494. *Concerning the Exchequer.* That the Clerk of Register cause Print the Acts of Parliament, Ia. 5. p. 7. c. 127. pag. 259. See it in *Parliament.*

That Hornings, Inhibitions, and Interdictions, with their Executions, be Registrat, and where, and in what manner. See *Under these several Heads.*

That all Reversions, Regresses, Bands, and Writs for making the same, assignations thereto, Discharges thereof, Renounciations of Wodsets, Grants of Redemption, and all Instruments of Saising, be Registrat in the General Register, to be appointed by the Clerk Register at *Edinburgh*, or in the particular Registers, specified in the Act, within three-

threescore dayes after date of the same, but Bands and Writs for making Reversions, and Regresses, need not be Registrat, except within sixty dayes after Saising taken by the makers thereof, and Extracts out of the saids Registers are declared to make faith in all cases, except in the case of of Improbation; And any of the saids Writs not Registrat as said is, are decerned to be null, in prejudice of a third Party, but not against the maker thereof, and his Airs: But Saisings, and Reversions therein contained, given by Magistrats of Burghs, of Lands with in their Liberties, holden in free Burgage, and all other heretable rights thereof, with Reversions incorporat in the Infestments of the Parties, against whom they are used, are excepted from this Act: As also Renounciations, or Grants of Redemption, consigned in Process, are only to be Registrat within sixty dayes after the date of the Decreets, ordaining them to be given up. And this Registration of Writs is annexed to the Clerk Registers Office, and is to be made by him, and his Deputes, within fourty eight hours after the receipt of the Writs, under the pain of deprivation of the Clerk of his place, and Office of Notary, and that they deliver back the Writs, marked with the day, moneth, year, and leaf of the Registration, and take only *twenty six shillings, eight pennies* as the price of ilk leaf, and the saids Registers to be marked by the Clerk Register, or his Deputes, with a note of the number of leaves, and that when filed up, they be returned to the Clerk Register to be patent, and Extracts thereof given, Ia. 6. p: 22: c, 16. *Anno* 1617. pag. 914.

That Instruments of Resignation, *ad remanentiam*, be Registrat hereafter, within sixty dayes after the date, otherwise they are null: But Instruments of Resignation of Burgage Lands, being Registrat in the Books of the Burgh, fall not within the said certification, Car: 2. p. 2. Sess. 1. c, 3. 16 *November*, 1669. pag. 382.

The Act 1617. extended to all Lands within Burghs, and their Liberties, and to all the foresaid Writs concerning the same notwithstanding the exceptions above specified, and that Town Clerks keep a several Book for their Registrations, depending only on the Magistrats, and not the Clerk Register, with a minut Book, to be by them quarterly compared, and signed, conform to the Act, Car. 2. p. 2. Sess. 3. c. 16. ¶. 32. pag. 489. The Act is, Anent the Regulation of the Judicatories, And contains also the prices of Registrations. And Car. 2. p. 3. c. 11. pag. 543.

That Charters passing at the Great Seal, after the appending of the Seal, be delivered back by the Keeper to the Director,

rector, that he may Registrat the same, and that all Writs already past the Great Seal, may within a year from the date of this Act, be returned to the Director, who shall Registrat the same *Gratis*, Ja. 6. p. 23. c. 24. *Anno* 1621. pag. 1001.

That all Charters, and other Writs, hereafter passing the Great, and Privy Seals, be first Registrat by the Writers thereto, in the Registers thereof, and the Writing, and Registration attested on the back, and that they keep a perfect Minut Book of the same, and that no Keeper append the Seal to any Writ not attested, to be Registrat, Car. 2. p. 2. Sess. 3. c. 7. pag. 460.

Act appointing how the Registers of Hornings, Inhibitions, Interdictions, Seasins, Reversions, and Others with their Minute Books, should be keept, Car. 2. par. 2. Sess. 3. cap. 16. ¶. 32. pag. 489. where the prices for inspection are set down. The Act is anent the Regulation of the Judicatories.

REGRATOURS, See *Forestallers.*

RELAXATION, See *Horning.*

A Man-slayer denounced, and thereafter relaxed, if he be thereafter denounced for the same Cause, the former Relexation avails not, but his Rebellion runs, and is reckoned from the first Denounciation, Q. M. p. 6 c. 31. pag. 291. The Act seems also to intimat, that albeit a Person be denounced, yet if he thereafter compeare, and be acquit, his former Rebellion prejudges him not. How, and where Relaxations are to be made, and Registrat, Jam. 6. p. 6. c. 75. pag. 422. At the Marginal note *Relaxation, & c should be registrate.* The Act is, For punishment of Persons that contemnantly remains Rebels, &c. See it in *Hornings.*

RELEIF.

That no Releives be componed, but the true avail thereof compted for, and payed in Exchequer, that on the sight of the *Responde* Book, Letters be directed, to charge, and poind, either the Party, or the Sheriff, or both: But the Sheriffs discharge exoners the Party, Iam. 6. p. 11. cap. 74. pag. 370.

RELIGION.

That none bear Office removeable in Judgment within this Realm, or be Procuratour, or Notar, or Member of Court; but such as profess the Religion now established except-

excepting therefra, ſuch as have Offices heretable, or in Life rent, Jam. 6. par. 1. cap. 9. *Anno.* 1567. pag. 361. Extended to all Offices without Exception, or Reſtriction, Jam. 6. par. 20. cap. 5. pag. 832. At the marginal note, *All Judges and Members of Court*, &c: The Act is, Act againſt Jeſuits, &c.

Ane Act made by Q. M. 19. *April*, 1567. Granting impunity to all the profeſſors of the Religion then received, abrogating all Laws againſt them, and taking them into her protection, recorded, Jam. 6. par. 1. cap. 31. pag. 376.

That none be repute Loyal ſubjects, but be puniſhable as Rebellers againſt the King, that profeſſes not the true Religion, and if any ſuch Profeſſors make defection from the Kings Authority, that they be admoniſhed by the Miniſters to return to duty, and if they failzie, that they be Excomunicat, and that before they be received to his Majeſties mercy, they renew their Profeſſion, and promiſe to maintain his Majeſties Authority, as alſo the true Religion againſt all Enemies, ſpecially theſe called of the holy League, bound to execut the Decreets of Trent, Jam. 6. p. 2. cap. 47. pag. 339. The Act is, Adverſaries of the true Religion, &c.

That Perſons going out of the Kingdom for farther knowledge in Letters, have the Kings Licence which ſhall contain this proviſion, that they ſhall adhere to the true Religion, and doe nothing againſt it, under the pain of Barratrie, and that within twentie dayes after their return, they make and give before their Ordinarie, the Confeſſion of their Faith as now eſtabliſhed, or otherwayes devoid the Kingdom within fourtie dayes thereafter, or be perſewed as adverſaries to the Religion, Jam. 6. par 6. cap. 71. pag. 411. The Act is, Anent the Youth, and others beyond Sea, &c.

That no Subjects, or Strangers, (except Ambaſſadours, Meſſengers, or *Merchants*) Adverſaries of, or Apoſtats fra the true Religion, return to, or remain within this Realm, unleſs they obey the Law, *Anent giving their Confeſſion of Faith*, And that in the mean time, they repair not to the Kings preſence, or Palace, under the pain of Impriſonment until they find ſoverty, under the pain of *Five Hundred merks* to ſatiſfie, or depart, and that in the mean while, they ſhall not ſeduce. That the *Makers*, Sellers, Homebringers, or Diſperſers of Erroneous Books, incur the pain of Baniſhment, and Confiſcation of all their Moveables, Jam. 6. par. 7. cap. 106. pag. 446. The Act is, Againſt Fugitives, and other Papiſts, practizing againſt the true

Religion

Magistrats of Burghs, with a Minister, may search for, and destroy Erroneous Books, and put the Home-bringers in waird, untill they be punished, in Person, and Gudes, at the Kings will, Jam. 6. p. 11. cap. 25. pag. 518.

Ratification after the Kings Majority, of all Laws already made, anent the Religion then, and now professed, with an expres abrogation of all Laws, or Statutes contrary thereto, Jam. 6. p. 11. cap. 23. *Anno* 1587. pag. 516.

Ratification of all Laws made against the Adversaries of the same true Religion, and the Seducers, or Perswaders to decline therefra, that any professed Papist, or Seminarie Preist, found within (probablie it should be after) the space of a Moneth, after the Duplication of the Acts of this Parliament, shall incurr the pain of death, and escheat of Moveables, and their Resetters, and Suppliers, by the space of three dayes, and three nights, tine their Life-rents: All Sayers, and Hearers of Mess, Profaners of the Sacraments, Persons suspected to have declined, withdrawers from the Preaching of the word, seducers by reasoning, or dispersing of Books, or Letters, being called before the Council, or Justices, and convict, incurr the tinsel of their moveable gudes, and Liferent, *ibid* cap. 24 pag. 517

Saying of Mess, and the resseting of Iesuits, Seminarie Preists, and Trafecquing Papists, against the King, and the Present Religion, inferr the Crime, and pain of Treason, both against the Persons reset, and their Resetters; but if the Jesuits, and Priests shall satisfie the King, and Kirk their Resetters are free, Jam. 6. p. 12. cap. 122. pag. 614.

And reset for three nights together, or at several times infers the same to be willingly done, and the pains are declared to be for the first fault, simple escheat, for the second Life-rent escheat, and for the third the pain of Treason, and Forefaultour, Jam. 6. par. 13 cap. 168. pag. 660.

That none have the benefit of the Act of Pacification 1572 and Act of Oblivion 1585, except such as profess the present true Religion, and acknowledge the Kings Authority, Jam. 6. p. 12. cap. 125, pag. 620.

That all Jesuits, Seminarie Preists, Excomunicat, and Trafecquing Papists, common enemies to all Christian Government, be apprehended and committed by all Magistrats, untill they be converted, or put out of the Kingdom, or punished, conform to the Acts of Parliament, and that none reset them, under the pains following, the Earl, *a Thousand pounds*, the Lord, *a thousand merks*, the Barron *Five Hundred pounds*, the Free-holder, *Three Hundred*

dred merks, and the Yeaman, *Fourtie pounds*, and the Burgess as the Council shall modifie not exceeding *a Hundred pounds* Ia. 6. p. 16. cap. 18. pag. 774.

That all wilful Resetters of Excomunicat denounced Papists, after Publication made by the Minister of the Paroch pay the Penalties of Non-Communicants, which are the same with these in the Act immediatlie preceeding, Iam. 6. par. 19. cap. 1. pag. 820.

All Acts against Jesuits, Seminarie Preists, Papists, and their Resetters, Ratified, declaring as to their Resetters, that Intimation, and Denounciation made at the Head Burgh of the Shire, and Mercat-cross of *Edinburgh*, shall be sufficient to put them *in mala fide*, Jam 6. p. 20. cap. 5. pag. 831.

Ratification of all Acts anent the Liberty, and Freedom of the true Kirk of God, and Religion presently professed in this Realm, Car. 1. par. 1. cap. 4. *Anno*, 1633. pag. 22.

That all Jesuits, Preists, and Trafecquing Papists, betwixt and the last of *March*, next 1661. Remove forth of the Kingdom under the pain of Death, Car. 2. p. 1. Sess. 1. cap. 8. pag. 140.

The King with advice of Parliament declares his full, and firm resolution, to maintain the true Protestant Religion, in its purity of Doctrine, and Worship, as established in his Father, and Grand-fathers time, and to promove the power of Godlines, and encourage the exercise of Religion, and suppress all Profanness, and to give Countenance, and Protection to the Ministers, behaving as becomes, as also to setle the Government of the Church, as shall best suit Gods word, Monarchie, and the Kingdoms Peace, and in the mean time continues Kirk-Sessions, Presbyteries, and Synods, notwithstanding the Act Rescissorie, *ibid.* cap. 16. pag 178.

Ratification of all Acts anent the true Church, and Religion presently professed, and all privat meetings in houses, under the pretence of Religions exercises are discharged, Car. 2. p. 1. Sess. 2. cap 4. pag. 293. The Act is, Concerning Masters of Universities, Ministers, &c.

Ratification of all Acts for setling and securing the Liberty of the true Kirk, and Protestant Religion presently professed within this Realm, and all Acts against Popery. Car. 2. p. 3. cap. 1 pag. 525.

Act requiring all Judges, and Officiars, to put the Laws against Popery, and Papists, and against Fanatical Separatists, and all Fanatick disorders, to full, and vigorous Execu-

Execution, and that every Minister give up yearly in *October*, Lists of all such in their Paroch, to the Bishops, and that the Bishops transmit a double thereof for Execution to the Judges Ordinary, who are to give an accompt of their diligence to the Council yearly in *December*, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined, and Controlled. Car. 2. p. 3. cap. 6. *in medio pagina* 535. The Act is, Act anent Religion, and the Test.

REMISSION, and RESPITE.

Where Remissions, are given with condition to assyth the Party, yet the case of Highland men is excepted, and Modification of mends appointed to be made in their case, as in the Act. Jam. 1. p 2. cap. 46. pag. 11.

He who takes him to his remission for Theift, or Reiff, should find sicker Burrows, to content the Party within fourty dayes, Jam. 2. par. 14 c. 74. pag 81.

That no Respits be granted, and that they are more against Justice then plain Remissions, Jam. 3. p. 13. cap. 94. pag. 129.

That Remissions expreem, and declare the greatest Crime, otherwise shall not save from a greater Crime, then the special Crime expressed. Jam. 4. par. 6. cap. 62. pag. 179.

That no Remission be given for slaughter, on fore-thought fellonie, and this statut to endure till specially revocked by his Majesty, *Ibid.* c. 63. pag. *ibid.* Who takes him to the Kings Remission, or Respite, for any action, except slaughter, and mutilation, and finds Soverty to assith the Party, the Soverties may be called before the Lords of Session, and the action is Friviledged as in recent Spuilzies, as for slaughter, and mutilation, that the order of the former Act be keept. Jam. 5. p. 3. cap. 7. pag. 201. What Act is meant by this former Act is not expres, it may be the former Act forbidding Remissions.

General Remission of Treason granted by King *James* the Fifth, Jam. 5. par 6. cap. 92. pag. 241.

The King at the desire of the States, closes his hands from the granting of Remissions, or Respits, for three years; That the Remissions bear the Party to be assithed, and if the contrary be found, the Remission to be null, Jam. 6. par. 8. cap. 136. pag. 483.

The King at the requeist of the Estates, promises to close his hands from granting any respite, or remission, for any odious Crime shall be committed, for five years thereaf-

thereafter, except upon a sufficient Letter of Slayns shewn: And if any Remission shall be otherwise granted, it is declared null, and the Act provides for Assithments as to Crimes past, Jam. 6. p. 12. c. 157. *Anno* 1592. pag. 646.

Ratified, specially as to the Letter of Slayns, and that no Respite, or Remission be admitted, except compounded, and subscribed by the Thesaurer, at least past in his Register, Ja. 6. p. 13. cap. 173. pag. 662.

That no Remission, or Respite be granted to any Person, at the Horn, for Theift, Reiff, Slaughter, Burning, or Heirship while the Party skaithed be satisfied, otherwise that the same be null. unless it be granted for pacifying the broken Countries, and Borders, *ibid.* c. 178. pag. 665.

That if his Majesty grant his Pardon for any of the Crimes contained in this Act, the Party shall be restored to all intents, as if he had never been persewed, Car. 2. p. 1. Sess. 2. cap. 2. in fine. pag. 291. The Act is, Act for preservation of his Majesties Person, Authority, and Government. The Act contains Crimes of Treason, and Sedition. See *Indemnity, Oblivion, and penal Statutes.*

REMOVING, See *Wairning.*

That Tenents labouring, and inhabiting, cannot be removed upon the change of the Lands to a singular Successor, but at the *Whitsunday* thereafter, Jam. 4. p. 3. cap. 26. pag. 158. See it in *Tennent.*

That Removings be made in quiet manner, without Convocation, under the pain of unlawful Convocations. Q: M: p: 3. cap. 3. pag. 264.

The order of Redemption being duly used, and the Party, and all other occupyers, lawfully wairned, before any *Whitsunday*, after the Redemption, the order being declared, the Party shall be lyable as a violent Possessor, for the said terme, as if the Land had been granted lawfully redeemed the time of the order, Q: M: par. 6. cap. 30. pag. 290.

That removings proceed upon lawfull wairning, (as in *wairning*) and that the Summonds of removing be on sex dayes, and if at the day of compearance the Defender make alledgance, and offer to improve the Indorsation, that then he be put to find Caution instantly for the violent profits; that for discussing of removings, Sheriffs, and all Judges having Jurisdiction, sit in lawful Courts, the whole fifteen lawful dayes after Trinity Sunday, and if

the saids Judges grant not Precepts, and do not Justice, that they pay to the Party all his damages, *Ibid.* cap. 39. *in medio* pag. 296.

RENTALS.

That all Rentals of the Kings property not being fewed to men, and their Airs, have only the effect of naked Liferents, Ja. 6. p. 11. cap. 69. pag. 569.

REPLEGIATION.

Where Replegiation is lawfully made, the Process led in the contrary is of none avail, Jam. 6. p. 11. cap. 29. ¶ 27. pag. 532. The Act is, *Annexation of the Temporality of Benefices to the Crown.* See *Regality.*

RESCISSORIE ACTS.

Act rescinding the Committies, and Parliaments, that sat after the Parliament, 1648, and all their Acts, excepting such as were past in meetings of Parliament, or Committie, authorized by his Majesties presence, and not Inconsistent with this Act, and also Indemnifying all those that Acted in all the saids Committies, and Parliaments, or be vertue thereof, except as to be hereafter excepted in this Parliament, Car. 2. p. 1. Sess. 1. cap. 9. ¶ 3. pag. 144. The Act is, *Act approving the Engagement*, 1648. *&c.*

Act rescinding the Parliaments 1640, 41, 44, 45 46, 47, and 1648, and all their Acts, but Indemnifying those that Acted in or by vertue thereof, (except as to be excepted in this Parliament) and also declaring, all Acts, Rights, and Securities, past in these meetings, or be vertue thereof, in favours of any particular Person, for their Civil, and Privat Interests, to stand gude, untill considered, and determined in this Parliament, *Ibid.* cap. 15. pag. 175.

RESIGNATION.

Procuratories of Resignation *ad remanentiam* should be sealed, and subscribed by the Granter, or an Notar for him, or if the Vassals make the Resignation Personally, then the Instrument should be so sealed, and subscribed by him, otherwise the Resignation makes no Faith. Q. M. par. 6. cap. 38. pag. 295. This Act dispensed with for bygones, and untill the first of *March*, 1563. Q. M. par. 9. c. 81. pag. 328. In-

Inſtruments of Reſignation *ad remanentiam*, ſhould be Regiſtrat, Cat. 2. p 2. Seſſ. 1. cap. 3. pag. 382. See *Regiſtration.*

RETOUR, See *Precepts.*

The Retour ſhould contain the old avail, and alſo the true avail the Lands are worth the time of ſerving of the Breive, Jam. 3. p. 7. c. 55. pag. 114.

REVERSION.

That Reverſions be effectual upon payment of the ſums therein contained, againſt the ſingular Succeſſor of the Granter, and they may be Regiſtrat for Conſervation, and that the extracts make Faith as the principals, Jam. 3. par. 5. cap. 27. pag. 101.

That all Reverſions, Bands, and diſcharges thereof, be made under the ſeal, and ſubſcription of the Granter, and if he cannot writ, that he ſubſcribe by an Notar, and that all Writtings bearing, or forgiving, Reverſions, make no Faith unleſs Regiſtrat in Judgment, in the Books of ſome ordinary Judge, except Inſtruments of Reverſion within Burgh, taken the time of the Reſignation, and Saiſin, before the ſame witneſſes, which are declared to make Faith, Q: M: par. 6. cap. 29. pag. 290.

That where Reverſions contain ſpecial Gold, or Silver, not now to be had, the Reverſer may redeem by giving Gold, and Silver, having courſe for the time, of the ſame weight, value, and finneſs, *Ibid*, cap. 37. pag. 294.

REVOCATION, See *Annexation*, and *Diſſolution.*

Revocation of all Alienations of Lands, and Gudes, that were in King *James* the firſt his Poſſeſſion, the time of his deceaſe, made without conſent of the three Eſtates, and that an Inventar be made of the Kings Gudes, and none of his Lands Annailzied, without conſent of the three Eſtates, untill he be of the age of Twentie ane years complete, othetwiſe the ſaid Alienation to be null, Jam. 2. p. 1. c. 2. pag. 49.

Revocation by King *James* the Third, of Alienations pre-

prejudicial to his Airs and Crown, Conversions of Ward-holdings unto Blanch, making of Tailzies, as being against Conscience, or gifts of keeping of Castles longer then during will, Jam. 3. p. 9. c. 70. pag. 120.

Revocation by King *James* the Fourth, of all deeds done by King *James* the Third, after the second of *February*, 1488. As granted for the assistance of the perverse Council, that were against the common good of the Realm, and cause of his slaughter, Jam: 4: p: 1: c: 5: pag: 148: And that the receivers of these Gifts and Deeds bring in the same within fourty dayes, to be destroyed, Ja: 4: p: 2: c: 22: pag: 156.

Revocation of all Gifts and Deeds granted by King *James* the Fourth, since his Coronation, Ja: 4: p: 2: c: 10: pag: 150.

Revocation of all Gifts given by King *James* the Third, after the second of *September*, 1487:. As also of all Resignations received by him, and Infestments thereon, after the said day, in prejudice of the righteous Airs, as being granted by the King, misled by ill Counsell, and the same are declared to be void and null, Ja: 4: p: 4: c: 50. pag: 170:

Revocation by King *James* the Fourth at his perfect age, after the priviledge of common Law, whereby upon the ground of Lesion and his Coronation Oath, he revokes, 1: All Alienations made by himself, or his Predecessors, of Lands, and others annexed to the Crown, or to the Principality. 2. All Gifts and Grants made in his non-age, as also gifts of Offices for Terms, and Tacks of long Terms. 3. All Tailzies from Airs General to Airs Male. 4. All Possessions pertaining to him or his Predecessors. 5. All change of Holdings, from Waird to Blanch. 6. All Regalities and Offices given in Heretage against the Acts of Parliament. 7. All Gifts of Bastardries, or other Casualities given by him in his Minority. 8. All Erections and Unions of Lands in Barronies, and discharges of Services and Suits. 9. All Creations of Barronies in Lands annexed 10 All Gifts of Patronages. 11. All things that the common Law allows to be revocked. And lastly, All things done in hurt of his Conscience or Crown, protesting that his Majesties tollerance shall not prejudge his right. As also, he revocks all Confirmations where Lands, or the greatest part of them were annailzied of before, and the same not known to his Majesty, excepting from this Revocation the Lands given to the Earl of *Bothwel*, and Sir *John Ross*, Ja. 4. p. 4. c. 51. pag. 171.

Revocation by King *James* the Fourth, of all Deeds, Do-

nations

notions, Acts of Parliament, or others hurtful to the Catholick Kirk, his Conscience, or Crown, Ja. 4. p. 6. c. 100. pag. 198.

Revocation by King *James* the Fifth, after his perfect age of twenty five years compleat, made first in general at *Rowan* in *France*, and now extended almost in the same terms with that of King *James* the Fourth, Jam: 5: p: 6: cap: 70: pag: 228.

Revocation Q: M: after her age of twelve years compleat, and the dimission of the Government made by the Earl of *Arran*, it contains the common Heads *ut supra*: and bears date at *Fountain Bleau* in *France*, the 25. of *April*, 1555. years, Q: M: p: 6: c: 28: pag. 286.

Revocation by King *James* the sixth, in the year 1585. before his Majority, of all deeds done in prejudice of the Annexed Property, and that notwithstanding of any Ratification or Confirmation thereof by Parliament, or otherwise. And the King promises to observe the good Form in his House to be prescribed by the Lords of Privy Council, and the Officers of State appointed by the Parliament, Ja: 6: p: 10: cap: 17: pag: 511.

Revocation by King *James* the sixth, bearing in the Narrative, to be made after his perfect age of twenty one, and long within his age of twenty five years compleat, and containing almost the same heads with that of King *James* the Fourth, but more fully extended, and clearly qualified, as here Tacks for above the space of five years are revocked, as long Tacks, as also the conversion of Few-ferm into Silver Duty. From the head (revocking Tailzies,) Tailzies made in a new Conquest are excepted, as not being against the Conscience. Waird holding changed to Blanch, and Regalities gifted in the Kings Minority are revocked. Presentations to Lands holden of other Superiors are excepted from the Revocation of Gifts of Bastardries, last Airs, and Fore-faulters: And the King revocks all Gifts of Thirds of Benefices, Kirk-lands, Common Kirks, Monks portions, first Fruits, and first Penny of Benefices, Patronages, and *superplus* of Benefices, and generally all things done in his Minority against Conscience, and prejudicial to his Crown, and what the Law allows him to revock, and swears to keep and retain the Annexed property, conform to the Act, Jam: 2: par: 11: c. 41. pag. 66. Jam: 6: par: 11: cap: 31. pag: 537.

Revocation by King *Charles* the First, very full and ample, but consisting of the same Heads with these preceeding, only these particulars are noted. All Dispositions of the Annexed Property are revocked, except where dissolution was made in Parliament in the Kings Majority. The King also revocks all Gifts of Bastardry, last Air,

Recognitions, and Forefaultors gifted by any King in his Minority, with all Confirmations thereof in Parliament, excepting Preſentations to Tennendries, as in King *James* the Sixth his Revocation, as alſo all diſcharges of Service, and Suits of Court given againſt the Law, as alſo Gifts of Hoſpitals, Maiſon-dues, and their Lands, againſt Conſcience, and the Laws of the Kingdom, with an exception in favours of the Town of *Edinburgh*, likeas the Penſion to the Earl of *Mortoun*, with the Tack of *Orkney* and *Zetland* are excepted from this Revocation: His Majeſty alſo revocks all Erections of whatſoever Abbacy, or Prelacy, in whole, or in part, made by himſelf: As alſo, all Infeftments of Erection made and granted by King *James*, or any other of his Majeſties Predeceſſors, of whatſoever Abbacy, Priory, Nunry, Preceptory, or other Benefice whatſoever, in whole, or in part, whereof the Preſentation ſhould belong to his Majeſty if it were not Erected: As alſo, all Diſſolutions, and other Acts whereon the ſame are founded, in ſo far as they are contrary to the General Laws and Acts of Parliament: And generally his Majeſty revocks, according to the preceeding Revocations, and Refers thereto, Car: 1: p: 1: cap: 9: pag: 25.

General Revocation by King *Charles* the Second, Car: 2: p: 1: Seſſ: 2: cap: 8: pag: 302.

RIDING. See *Sorners*.

That no man ride or gang with more men nor may ſuffice, and for whom he will make payment, Jam. 1. p. 1. cap. 5. pag. 2.

RISING in ARMS. See *Rebellion*.

That no man raiſe any Bands in Arms for Wages, without licence of the Queen, under the pain of Death, both to the Raiſers, and Riſers, Q. M. par. 9. cap. 75. pag. 322.

This Act, with ſome Extenſions, applyed to Burghs, *Ibid.* cap. 83. pag. 329. See in *Burghs*.

ROBBERY, or REIF. See *Spuilzie*.

That no man reive anothers Goods or Priſoner in *Engliſh* Kind, or in *Scots*, under the pain of Death, Ja: 2: p: 1: c: 33: pag: 71.

ROBIN

ROBIN HOOD. See *Playes.*

ROME. See *Benefices*, and *Clergy man.*

All Causes depending at *Rome*, or before its Courts, or Delegats, should be tryed and decided before the Judge Ordinary within the Kindom, and Appellations made to *Rome* should be determined by the Lords of Session; And this Act to have effect from *August*, 1560. Jam. 6. p. 7. cap. 115. pag. 460.

RUICKS.

That Ruicks be not suffered to big in Trees, and where it be tainted, that they big, and the Birds flown, and the Nests found at *Beltan*, that the Trees be fore-faulted to the King, with *five shillings* unlaw, Jam: 1: par: 1: c:19: pag: 5.

S

SABBATH, and HOLY-DAYES.

That there be no Fairs holden on Holy-dayes, but the morn after, and that there be no Removings nor Poyndings used untill the third day after *Whitsunday*, or *Martimes*, Ja: 3: p: 5: c: 34: pag: 103. and Ja: 4: p: 6: c: 83: pag: 186. And that Fairs be not held within Kirks, or Kirk-yairds, *Ibid.* Ratified, and Mercats and Fairs discharged on the Sabbath, and that no handy labour be used thereon, under the pain of *ten shillings Scots*, nor Gaming, Playing, passing to Taverns, or Ale-Houses, selling of Meat and Drink, and wilful remaining from Kirk the time of Sermon, or Prayers, under the pain of *twenty shillings*; And if the Offenders be unwilling, or unable to pay, that they be put in the Stocks or Joggs: And the King is to appoint Commissioners in every Paroch for executing of this Act, Ja. 6. p: 6: cap: 70: pag: 410.

Ratified, charging all Judges and others whom it shall please Presbyteries to name, to put away the saids Fairs and Mercats, and that Letters be direct at the instance of the Presbytery against them for that effect, Ja. 6. p. 13. c. 163 pag. 657.

Again Ratified, and added, that who ſells, or preſents to ſale, any Goods on the Sabbath, and ſhall be thrice convict thereof, ſhall tine all their Moveables, and their Perſons be in the Kings will, Jam: 6: par: 14: cap. 201. pag. 690.

Act for changing of Mercats from the Sabbath to any Week Day. Jam: 6: p: 12: c: 124: pag: 619. And that no Mercats be kept in Burghs on *Munday* or *Saturday*, Car: 2: p: 1: Seſſ: 3. cap. 19. pag. 338. See both in *Mercats*.

Ratification of all Acts made for the obſervation of the Sabbath, and diſcharging all Salmond Fiſhing, going of Salt Panns, Milns, or Kills, hiring of Shearers, carrying of Loads, keeping of Mercats, and uſing of Merchandize on that day, and all other profanations thereof, under the pain of *twenty pounds* for Salt Pann, Miln, or Kill, and *ten pounds* for each other Profanation, to be applied as in the Act anent Juſtices of Peace, and that the Inſolvent be puniſhed in their Perſons, Car: 2: p: 1: Seſſ: 1: c: 18: pag: 181. Ratified, Car: 2: p: 2. Seſſ. 3. cap. 22. pag: 508. See it in *Profaneneſs*.

SACRAMENT. See *Baptiſm* and *Communion*.

That none Adminiſtrat the Sacraments ſecretly, or any other way, except they that have power for that effect, Ja. 6. p. 1. cap. 5. pag. 358. The Act is, *Anent the Meſs aboliſhed*, &c.

That all ſayers and hearers of Meſs, and profaners of the Sacraments incur the tinſel of ſimple and life-rent Eſcheat, Ja. 6. p. 11. c. 24. *in medio*, pag. 517. See *Meſs*. The Act is, *Anent tryal & puniſhment of the Adverſaries of the true Religion*.

SALE of LANDS. See *Bankrupt*.

SALMOND.

Salmond ſhould not be ſlain in time forbidden, under the pain of *fourty ſhillings*, and for the third time the ſlayer to fine his life, or then buy it. Ja: 1: par: 1: c: 10: pag: 3.

That no Salmond be ſlain from the Feaſt of the Aſſumption (15. of *Auguſt*) untill the Feaſt of St. *Andrews* (30. of *November*) under the pain of ſlaying of Red-Fiſh, and this to be a point of Dittay, Jam: 1: p: 2: c: 35: pag: 9. But the Watters of *Solway* and *Tweed* are herefra excepted, ſo long as *Berwick* and *Roxburgh* are in the *Engliſh* hands, Jam. 1. p. 9. c. 131. pag. 40.

That Cuſtom be payed for all Salmond, and other Fiſh had

had out of the Realm, as well by Inhabitants as Fremmed Persons, Ja: 1: p: 5: c: 76: pag: 21.

That no Salmond be fold or bartered with any man that hath it out of the Realm, except for *English* money for the one half, and *Gascoigne* Wine, or good penny-worths for the other, Jam. 1. p. 10. cap. 132. pag. 41.

That who slayes Salmond in forbidden time, pay for the first fault *fourty shillings*, for the second *four pounds*, and for the third shall tine his Office for ever; and this extended to Art and Part, Jam. 2. p. 5. c. 9. pag. 53.

That no man slay Red-Fish in forbidden time, under the pain of *ten pounds*, and that for the third time he buy his life, Ja. 2. p. 14. c. 85. pag. 84. And Ja. 4. p. 2. c. 15. *in fine* pag. 153. And that for the third time the Committer tine his life, Ja. 4. p. 6. c. 72. pag. 182.

That the Acts made upon them that slayes Red-Fish, Smolts, and Salmond, in time forbidden, be put to sharp execution, Ja. 5. p. 4. c. 16. pag. 206.

That no man in Smolt time set any Engine to hinder them to go to the Sea, under the pain of *ten pounds*, Ja. 2. p. 14. c. 86. pag. 84. And for the third fault tinsell of life; and that the Sheriff destroy all such Engines, Ja. 3. p. 5. c. 37. pag. 106. Ja. 4. p. 2. c. 15. *circa finem*, pag: 153.

The Acts anent the slaughter of Black-Fish and Smoks Ratified, and that Courts be held yearly, at *Pasch* and *Martimes*, against the contraveeners, and that they be put to find Caution under the pain of *an hundred pounds*; but the River of *Tweed* excepted, Jam. 6. par. 1. cap. 30. pag. 375.

And thir Acts are Ratified, and all Judges Ordinary impowered to excute them, Ja. 6. p. 6. c. 89. ¶. 2 pag. 432. And there is Commission granted to certain Judges named in the Act, within their respective bounds for this effect, Jam. 6. p 7. cap. 111. pag. 454.

Act Ratifying former Acts anent slaying of Salmond, Black or Red-Fish in forbidden time, destroying of Smolts, and Fry of Salmond, and declaring it lawful for the Magistrats of Burghs, if they first attach, to proceed against the Contraveeners, albeit the power before was restricted to the Sheriffs, Jam. 6. p. 14. c. 224. pag. 707.

The former Acts Ratified, and that all having Land next adjacent to Waters and Rivers where Salmond are taken, find Caution acted in the Books of Council, to be answerable for their Tennents, and the Indwellers in their Bounds, whom they may stop or let, that they shall not slay Salmond in forbidden time; The Earl, or Lord, under the pain of *a thousand merks*, and the Barron, and all others, under

the pain of *five hundred merks*, half to the King, and half to the Judges appointed by the former Acts, and that Letters be hereupon direct at their instance; But the Waters of *Annand* and *Tweed*, as being in the Borders, are excepted from this Act, Jam. 6. p. 15 cap. 265. pag. 736.

That slaying of Salmond in forbidden time, or of Kipper, Smolts, or such Black Fish at any time, be punished as Theift, according to the Committers Rank and Estate; and the Waters of *Annand* and *Tweed* are again excepted, Ja: 6: p: 16: c: 11: pag: 771. But this exception upon his Majesties Succession to the Crown of *England* is *simpliciter* discharged, and the pain of Theift and Death universally extended, Ja. 6. p. 18. c. 5. ¶. 2. pag. 805.

That Salmond be packed in Barrels of the measure of *Hamburgh*, after the old Assise, and in none smaller, under the pain of Escheat of the Salmond, and that the Cowpers that makes smaller Barrels pay *five pounds*, of unlaw, Jam: 3: p: 10: cap. 76. pag. 122.

That the Salmond Barrel contain fourteen Gallon, under the pain of Escheat of the Barrel, and that each Burgh have three Hoop Irons, and a Burning Iron, for measuring and marking, Ja. 3. p. 14. c. 110. pag. 138.

That in Barrelling of Salmond, the old Bind of *Aberdene* be observed, under the pain of *ten shillings* of unlaw, to be payed by the Cowper, Ja. 4. p. 4. c. 52. ¶. 1. pag. 173.

That the Cowper and the Town have Burning Irons for marking the saids Barrels, and what is not so marked to be Escheat, half to the King, half to the Town, Jam. 5. par. 7: c: 109: pag: 251.

That the Salmond Barrel contain Twelve Gallons, and the Herring and White Fish Barrel, Nine Gallons of the *Striviling* Pint, and be marked by the Cowper, under the pains in the former Laws, Ja. 6. p. 4. c. 57. pag. 400.

That there be a just Standard made for Salmond, conform to the old Acts, to be kept at *Aberdene*, and Staples also are appointed for Salmond, as in the Act, Jam: 6: p. 8: c: 141, pag. 491.

Act Ratifying all Acts made anent Salmond fishing, the sufficiencie of the Barrels, and loyal Packing thereof: And farther, that Cowpers make the Barrels good and tight, as in the Act containing no less then Ten Gallons of the *Striviling Pint*, conform to an Act of Council, 15. *July*, 1619. here Ratified, under the pain of *five pounds* for every insufficient Barrel, and Escheat of the Barrel; and that the Barrels be marked by the Cowpers Birn on the Tapon Staff, and the Cowpers lyable for the Merchants loss; and that the Barrel

rel be marked with a particular Merchant mark, and that none counterfeit anothers mark, under pain of Confiscation of the Salmond, attour the Counterfeiters punishment at the pleasure of the Judge, one half of the pain to the King, and the other half to the Burgh injured; and that the Magistrats in Burghs put this Act to execution, Car. 2. p. 1. Sess. 1. c. 33. pag. 191.

SALT.

Priviledges granted to the makers of Salt of a new fashion, that none make, or cause be made the like, without the Queens licence, for the space of fifty years, under the pain of death, and Confiscation of the Lands and Houses where the Salt is made, Q. M. p. 9. c. 71. pag. 320.

That Salt be not exported for three years to come, except in exchange of Timber imported by Strangers, under the pain of Escheat of the Salt, Ship, and other Moveables of the exporters, Jam. 6. p. 4. c. 56. pag. 400.

Act discharging all pre-emption of Salt, as also the Excise of all Salt made within the Kingdom, and that each Boll of Forraign Salt, *Linlithgow* Measure, pay *fourty shilling*, whether imployed on Fishes, or not; and that therefore all Fishes exported, be free of Custome: and all Acts in the contrary are Rescinded; and that the Custome of Salt continue as in the Book of Rates, Car. 2. par. 2. Sess. 4. cap. 1. pag. 517.

SALTERS. See *Coalliers.*

Salt Works declared to be free, and that they are publick Manufactories, and to have the priviledges thereof: That *French* Salt be sold at the places of its import, at *five pounds per* Boll, *Linlithgow* measure, including the *fourty shillings* of Excise, and *Spanish* Salt for *six pounds* in the same manner, under the pain of *an hundred pounds, toties quoties*, for ilk Boll, sold above the said rate, half to the King, half to the discoverer. But that this Act be without prejudice to his Majesties Prerogative, as declared by the Act, Car. 2. p: 1. Sess. 3. c. 27. *Anent his Majesty prerogative in ordering and disposal of trade with Forraigners.* pag. 349. Car. 2. p. 3. c. 27. pag. 565.

SOWING. See *Labouring.*

SCHOOLES.

That all Barrons, and Free-holders of substance, put

their eldeſt Sons, and Airs to Schooles, to learn Latine, and Arts, and Jure, that they may underſtand the Laws, under the pain of *Twenty pounds*, Jam. 4. p. 5. c. 54. pag. 175.

That all Schooles, and Colledges, be reformed, and none admitted to inſtruct the Youth privatly, or openly, but ſuch as ſhall be tryed by the Superintendents, and Viſitours of the Kirk, Jam: 6: par: 1: cap: 11: pag: 363.

Ratification of the Act of Councel, tenth of *December*, 1616. for planting of Schooles, and the Biſhop of the Dioceſie is impowered with conſent of the Heretors, and moſt part of the Parochiners, or if the Heretors refuſe, with conſent of moſt part of the Parochiners, to lay a ſtent on every plough, for maintenance of the ſaids Schooles, and Letters are ordained to be direct at the School-maſters inſtance, &c. And if there be any complaint, the Lords of Councel are to hear, and determine it, Car. 1. p. 1. cap. 5. pag. 22.

That none be admitted to teach any publick School, without Licence of the Ordinary, Car. 2. p. 1. Seſſ. 2. c. 4. *in fine*, pag. 294. The Act is; *Act concerning Maſters of Univerſities, Miniſters*, &c.

SCOTIA NOVA, or *NOVA SCOTIA*.

Ratification of the Charters, and Inſeſtments, granted to the Viſcount of *Sterling*, his Airs, and Aſſigneyes, and of the River, and Gulf of *Canada*, and Bounds and Priviledges therein contained, ſpecially theſe Charters following, one of the date the tenth of *September*, 1621. Another the twelfth of *July*, 1625. Another, the third of *May*, 1627. Another the ſecond of *February*, 1628. With an *Signatour* dated the 24. *Auguſt*, 1633. As alſo of the Act of Convention the ſixth of *July*, 1630. Approving, and confirming, the dignity, and order of Knights Barronet, and all following thereon; Car: 1: par: c: 28: pag: 70.

SEAL, and SEALING, See *Subſcription*.

That the Great, and Privy *Seals*, be appended to Charters, and other Writs written Book-wayes, as well as Brood-wayes, and that upon an Tye, or Band, going through all the Leaves in the Margine, Car. 2. p. 2. *Seſſ.* 3. cap. 7. pag. 460.

SEA-

SEASING.

That all Seasing upon Precepts forth of the Chancellary, be given by the Sheriff Clerk, and other Seasings by famous Nators, Ja. 5. p. 6. c. 77. pag. 234. But this Act dispensed with for by-gones, in respect of the troubles, and ratified for thereafter, with this addition, that the Sheriff, Stewart, or Baillie of Regality, or Royalty or their Deputes, be required to give the saids Seasings. Which if they refuse, the Party may make another Baillie, Q. M. p. 6. cap. 34. *Anno* 1555. pag. 293.

But it is again dispensed with for by-gones, and until the first of *March*, 1563. Q: M: par. 9. c. 80. pag. 326. And both these Acts are thereafter restricted to precepts on retours, and Seasings thereupon, Jam: 6: p: 18: cap: 15: pag: 813.

That all Seasings not given on precepts forth of the Chancellary, be within year and day presented to the Sheriff Clerk, and the same or a breviat thereof insert in his Books, for which the Clerk should get *two shillings*, and that the Clerk bring yearly to the Exchequer, the Books of the saids Seasings, and leave a double thereof, signed by him, with the double of this Protocol, to remain in the Register, Q: M: p: 6: c: 46: pag: 300. Renewed, Jam: 6: p: 11: c: 64: pag. 567.

That no Seasing be given within Burgh, but by one of Baillies, and the Commoun Clerk, otherwise to be null, Jam. 6. p. 1. cap. 27. pag. 374.

One Notar, with a sufficient number of honest witnesses, sufficient in Instrument of Saising, Ja. 6: p: 9. cap. 4. *in fine.* pag. 500. *See Witnesses.*

That Instruments of Saising be Registrat within sixty dayes, Jam. 6. p. 22. c. 16. pag. 914. See it in *Registration.*

SEPARATION.

That such as ordinarly absent themselves from their Paroch Kirks on the Lords day, incurr the pains following, each Noble-man, Gentle-man, and Heretor, the loss of a fourth part of ilk years rent, in which they shall be convicted; and each Yeo-man or Tennent, the loss of such a part of their Moveables, as the Lords of Council shall modifie, not exceeding a fourth, and every Burgess his Liberty, and the fourth of his Moveables: And the Council is to execute this Act against all, who after admonition of the Minister, before two sufficient witnesses, and by him so attested, shall be given up to them, with power to them

to inflict farther corporal pains, as they judge neceſſary; and to do every other thing for procuring obedience to this Act, and for the executing thereof, Car. 2. p. 1. Seſſ. 3. cap. 2. pag. 313. This Act contains alſo a Ratification of the firſt, third, and fourth Acts of the ſecond Seſſion of this Parliament, *circa medium pagina*, 314.

That all his Majeſties ſubjects of the reformed Religion, attend the Worſhip in their own Churches, and that who ſhall with-draw for three Lords day together, without juſt excuſe, be fined as in the Act. Which Act the Sheriffs, Stewards, Lords of Regality, and Magiſtrats of Burghs, are to execut, and are allowed to have for themſelves all the fines, except theſe of Heretors, for which they are to be comptable to the Commiſſioners of the Theſaury: And if an Heretor, Life-renter, or Wod-ſetter, fined, thereafter obſtinatly with-draw for a year, the Council upon the Inferior Judge his delation, may put them to ſign a band not to riſe in Arms, &c. Which if they refuſe, they are to be ſecured or Baniſhed, or otherwiſe they amit to the King their ſimple, and Life-rent eſcheat, and this Act is appointed to continue for three years, unleſs his Majeſty continue it longer, and that it be without prejudice of the Churches cenſures, Car: 2. p. 2. Seſſ. 2. c. 7. pag. 435.

This Act continned for three years after the expiration of the firſt three years, and longer as his Majeſty ſhall be pleaſed to appoint: And that Magiſtrats of Burghs execute the ſame upon their Burgeſſes: And that they and the other Judges named in the former Act, be diligent, and give accompt of their Diligence yearly, the firſt Thurſday of *July*, to the Privy Council, under the pain of *Five hundred merks*, Car: 2: p: 2: Seſſ: 3: c: 17: pag: 495. The Act is, *Againſt Keepers of Conventicles*, &c.

SERJAND, See *Mairs*, and *Meſſengers*.

SERVANT.

A hired Servant from *Martimeſs* to *Whitſunday*, may be detained by his Maſter, or compelled by a Juſtice of Peace, to ſtay with him for the ſame hire, from *Whitſunday* to *Martimeſs*, unleſs the Servant can verifie, to the Juſtice of Peace, or Conſtable of the Bounds, that he is hired to another Maſter, and a Juſtice of Peace may compel a Servant running away, to return to his Maſter: As alſo all Looſe-men, and Women, to ſerve for competent hire, and La-

Labourers may apprehend all such within their bounds and imploy them in their works, Jam. 6. par. 23. c. 21. pag. 999.

SESSION.

The Chancellour and certain Persons of the three Estates, to be chosen by the King, appointed for the Session, and to sit three times in the year, where the King shall please, for all Causes, proper for the King, and his Council, Jam. 1. par. 3 cap. 65 pag. 17.

The Lords of Session appointed at this time, by Commission of Parliament, given to a gude Number of the three Estates, are impowered to know on all Civil actions, not concerning fee, or Heretage, and ordained to Cause the Party in the wrong, pay to the other his expence. Jam. 2. p. 14. c. 61. pag. 75.

Act setting down the manner of bringing Causes before the saids Lords, and that the other causes there mentioned, be utterly decided by them, without remeed of Appellation to King, or Parliament, *Ibid.* cap. 62. pag. 76.

That those Lords bear their own Cost, their Charge not being great, and that the better to help, they have the Kings unlaw of their Court, which is *Fourty shillings*, to be divided betwixt them, and the Clerk Register, *ibid.* cap. 63. pag. *ibid.*

That in place of the Lords of Session, the King choose a Council to sit continually in *Edinburgh*, or where the King pleases to decide in all Civil Maters, Jam. 4. par. 6. cap. 58. pag. 177.

The Institution of the Colledge of Justice, commonly called the Session, for doing Justice in all Civil Matters, and that it consist of fourteen, half Spiritual, half Temporal, with a President, and they are authorized, to decide upon all Actions, Civil, and none others to have vote with them, Jam. 5. par. 5. c. 36. pag. 217.

That they begin to sit at *Edinburgh*, and at what times, *Ibid*, cap. 37. pag. *ibid.* That they be sworn to Minister Justice equally, *Ibid*, cap 38. pag. *ibid.* That their Decreets have the same force, that the Decreets of the Lords of Session had before, *Ibid.* cap. 39. pag. 218. Providing the Lord Chancellor being present, have a vote, and be principal, and that also three, or four more of the Kings great Council to be named by him, have vote with them, *Ibid*, cap. 40. pag. *ibid.*

That the fifteen Lords, then nominat, subscribe all Deliverances, and none others, *ibid.* cap. 41. pag. *ibid.* That the

Chancellour, or Preſident, receive the Oaths of the Lords, and in the abſence of the Preſident, the King is to name a Vice-preſident, *Ibid.* cap. 42. pag. *ibid.* Command is given to the Lords, to conclude upon Rules, and Statutes, to be keept in their order of proceeding, which the King promiſes to Ratifie, *ibid.* cap. 43. pag. 219.

Follows the Rules and Orders then ſet down, and firſt the diviſion of the Realm in Quarters, *ibid.* cap. 44. pag. *ibid.* Priviledged Summonds, Recent Spuilzies, calling of Letters, redeeming of Lands, Acts of Adjournal, Superiors to hear them decerned to tine their Superiorities, Reduction of inordinat Proceſs before Sheriffs, and Ballies, and retreating, and transferring of Decreets, and that Letters that concern Horning have Proceſs at all times, *ibid.* cap. 45. pag. *ibid.* That all other matters be called by the order of the Table, all dayes of the Week, except Fryday aſſigned for the King, Queen, and Strangers matters, *ibid.* cap. 45. pag 220. That Acts be called at the dayes aſſigned, for expedition of witneſſes, and eſchewing of expences, *Ibid.* cap. 46. pag. *ibid.* That it be eeked to all deliverances to Sheriffs, that they admit parties to their defences, and Miniſter Juſtice equally, *Ibid.* cap. 47. pag. *ibid.* Order for Table and Seats, *Ibid.* cap. 48. pag. *ibid.* That the Lords enter the Houſe at eight hours dayly, and ſit unto elleven, *Ibid.* cap. 49. pag. *ibid.* That after the entrie of the Lords, the Houſe be iſched, and that an Maiſer ſtand at the Door, *Ibid.* cap. 50. pag. 221. That no man enter in pley, except the Parties contained in the Summonds, and their Procuratours, if they any have, *ibid.* c. 51. pag. *ibid.* That Bills be firſt read, then Acts called, and then the Table proceeded in, and that all Parties deliver their Bills, and Acts, to the Chancellour, or Preſident, before they enter, or incontinent thereafter, by a Maiſter, *Ibid,* cap. 52. pag. *ibid.* That three Lords be deput weekly, as they are placed in order, to examine witneſſes: And that they conveen dayly at two afternoon, in the Houſe, with a Clerk, or an of his Writers, ſworn by the Lords for that effect, *Ibid.* cap. 53. pag. *ibid.* That all matters be called by the order of the Table, as is above Statute, *ibid.* cap. 54. pag. 222. That the Lords being ſet, Silence be keept, and that none ſpeak, or round with his marrow, and that no other interrupt the two, that ſhall be commanded by the Chancellour, or Preſident, to argunne any matter, but when they have done, others may ſpeak upon leave asked, *Ibid.* c. 55. pag. *ibid.* That the debate being ended, the Chancellour,

or President, require the votes of the Lords in order, and that the Clerk read their names, and that none argunne another in voting, *ibid.* c. 56. pag. *ibid.* That in advising, or giving Sentences, there be ten at least with the President, or Chancellor, (but the Act, Jam. 6. par. 11. cap. 44. pag. 552. insinuats nine ordinary Lords to be a *quorum.*) That the Lords absent not, but upon Licence of the Chancellour, given, *in præsentia.* That all Publication of witnesses, and other Examination of Proces, be made *in præsentia*, *Ibid.* cap. 57. pag. *Ibid.* That the Lords Decreets be Execute by Sheriffs, Pursevants, or Maissers, for the fie appointed by Act of Parliament, (See it in *Fie*, Jam. 4. par. 3. c. 30. pag. 160.) *ibid.* c. 58. pag. *Ibid.* That all Clerks of the Signet, be sworn to be Faithful, and not reveal what they writ, or do for their Imployers, cap. 59. pag 253. That the Clerks of the Signet take only *eight pennies* for writing a Bill, and *twenty pennies* for Letters on an Decreet, and for other Letters as formerly, under the pain of tinsel of Office, *ibid.* c. 60 pag. *ibid.* That Writers mark their Bills with their names, that none frustrat another of their Labours, and that all Deliverances be written by Clerks of the Session, *ibid.* cap. 61. pag. *ibid.* That Maissers be sworn to be Faithful, and that they be secret, and take no more for their Labours then *two shillings*, under the pain of Deprivation, and infamy, cap. 62. and 63. pag. *ibid.*

That there be ten Advocats appointed to be general Procurators of the Council, and that they serve all men for their wages, and that they be sworn to be Faithful, *Ibid*, cap. 64, and 65. pag. 224.

That Advocats remove with the Parties, and enter again with them, at the giving of Inter-loquutors, *Ibid*, c. 66. pag. *ibid.* That an Dilator being repelled, all the other Dilators be preponed at once, and that no Advocat, except the Kings Advocat, pley within the Barr, *ibid.* c. 67. pag. *ibid.* Follows the Kings gude mind anent the Lords, wherein he ratifies the foregoing Statutes, and promises not to charge, or desire them to doe otherwise in any Matter, then as Justice requires, and to maintain, and defend their Persons, Lands, and Gudes, from all wrong, and because the saids Lords presents his Majesties Person, and bears his Authority, the King promises to give no Credence to any that Murmures them, but first to call them, and if found culpable, to punish them, and if not to punish the Complainer, with all rigor, and farther excems them from all Taxes and Burdens, and from bearing all Offices, except they please, with power to them to punish

such as lightly them, with Imprisonment, in any of the Kings Castles, and if the Injury be great, that the King be adverised, that he may gar the same be punished, and this Ratification the King Signes, and Ordains, to be Registrat the Tenth of *June* the nineteen year of his Reigne, which was the year, 1533. *ibid.* cap. 68. pag. 225.

Ratification of the Colledge of Justice, and of the Popes Approbation, and Confirmation thereof, with power to the Lords, to make Acts, and Statutes, for ordering of Process, and haistie expedition of Justice, and that in the absence of the President, and Vice-president, the eldest Senator in order preside for the time, Jam. 5. p. 7. cap. 93. pag. 242.

Ratification of the Institution of the College of Justice, and that Letters be direct against the Prelats, for geting in the Contribution money due to the Lords of Session, Q. M. p. 2. cap. 1. pag. 263.

The Lords of Session are declared to be Judges competent, to the Reduction of Infeftments, albeit confirmed in Parliament, Jam. 6. par. 1. cap. 18. pag. 367.

Upon a complaint by the Lords of Session of Privy Charges direct to them, by the King and his Council, to forebear, stay or remit Process to the Parliament, or to stop Execution, its declared, and ordained, that the Lords proceed in all Civil Causes intended before them, and cause Execut their Decreets, notwithstanding any privat writing, or command, at the instance of any Party in the contrary; Ja. 6. p. 6. cap. 22. pag. 434.

That no Lord of the Session, by himself, his Wife, or Servants, take bude, bribe, gudes, or geir, either fra Persewer, or Defender, under the pain of Deprivation, Infamy, and escheat of moveables, the one half to the King, and the other to the Revealer, and the Offenders Person to be in the Kings will: That the King shall nominat to be Lords, men fearing God, able, and having sufficient living of their own, who shall be tried by a number of the Lords, and in case the Person presented shall not be found so qualified, the Lords may refuse him, and the King should present another, and the President shall be choosen by the whole Senatours, either of the Spiritual, or Temporal Estate, and so they may also elect, a Vice-president, in the absence of the Chancellour, and President, Jam. 6. par. 6. cap. 93. pag. 435.

Ratification of all Statutes made by the Lords, for Expedition, and Execution of Justice, Jam. 6. p. 8. c. 139. pag. 487.

That

That there be payed to the Lords by the tiner of the plea, *twelve pennies, per pound*, where the ſubject is liquid, and *Five pounds* where it conſiſts in *Facto*, and that by the ſame order as was obſerved in their uptaking of *Fourtie ſhillings* of each Decreet of before, Jam. 6. par. 11. cap. 43. Pag. 552. (See Jam. 2. par. 14. cap. 63. *in fine* pag. 77. here.)

The Lords are declared Judges competent to the Interpretation of the Act of Oblivion, nine Ordinaries being alwayes preſent, as in the other cauſes at the pronouncing of Inter-loquutors, and Decreets, *Ibid.* cap. 44. pag. 552.

Becauſe the Lords of Seſſion are appointed for the deciſion of all Civil Matters, Therefore the King declares his mind by Act of Parliament, that to all Vacations in the Seſſion, he will preſent men fearing God, of good learning, knowledge, and practique of the Laws, having ſufficient living of their own; And farther, it is Statut, that no man be received to be a Lord of the Seſſion, unleſs he be ſufficiently tried, and known by the King, and Lords, and have in yearly Rent a *thouſand merks*, or twentie Chalder of Victual, and be of the age at leaſt of twenty five years complete, otherwiſe his Preſentation, and Admiſſion to be null, Ja. 6. p. 12. c. 134. p. 630.

The Modification of Aſſithments for Crimes committed ſince the Kings Corronation, referred to the Lords of the Seſſion, Jam. 6. p. 12. c. 157. *circa finem* pag. 647.

Ratification of all Priviledges granted to the Senators of the Colledge of Juſtice, and Members thereof, notwithſtanding of any Act, or Statut, ſpecial, or general, in the contrary, Jam. 6. p. 13. c. 174 pag. 662.

Another ample Ratification in their favours including alſo the Lord Cancellor, Jam. 6. p. 14. cap. 215. p. 699.

To ſtrick, hurt, or ſlay any Perſon, within the inner Tolbuith, the time that the Lords are ſitting, declared to be treaſon, and to do the ſame within the outter Tolbuith, the time foreſaid, is death, Jam. 6: p: 13: cap: 177: ¶. 1: and 2: pag. 664.

No Lord of Seſſion Ordinary, or Extraordinary, may ſit, or vote, in any cauſe, where the Perſewer, or Defender is either their Father, or Brother, or Son, Jam. 6. par. 14. cap: 216. pag. 699. Extended to the like degrees in affinity, as alſo where the ſaids Lords are Uncles

or

er Nephews to the Parties, Car. 2. p. 3. cap. 13. pag. 549. See the Act of *Declinatour*.

The Harveſt Vacance appointed, to begin the firſt of *Auguſt*, becauſe of the Harveſt, and that the Lords are content to enter every day, during the Summers Seſſion at eight in the morning, Jam. 6. par. 14. cap. 217: pag. 700.

That no Member of the Colledge of Juſtice buy Pleyes, *ibid* c. 220. p. 701. See it in the *Pleyes*.

Commiſſion to the Lords of Seſſion, to decide the Action of Reduction of the Fore-faultour, or *James Wood*, Appearand of *Bonnitoun*, Jam. 6. p. 17. the 5: of the unprinted Acts. pag. 792.

The Lords of Seſſion declared to be the Kings great Conſiſtory, and an high Supream Commiſſion granted to them for all Conſiſtorial Cauſes, providing nevertheleſs they be ſtill Accountable to his Majeſty, Jam. 6. par. 20. cap. 6. *at the marginal notes Reduction of decreets, and advocation of cauſes* p. 834. The Act is, *Act of the Commiſſariots*, &c.

Act in favours of the Lords of Seſſion, for *ten thouſand pounds* to be payed to them yearly, out of his Majeſties Cuſtomes, which are for that end, and in ſo far diſſolved from the Crown, and all iurromettors with the ſaids Cuſtomes, are made lyable to the Lords for their better payment, and Caution is appointed to be found by the Cuſtomers for that effect, in manner ſet down in the Act, *ibid.* cap. 11. pag. 844.

The Lords of Seſſion appointed to be Judges betwixt the Patron, the Perſon preſented, and the Biſhop, anent Pactions betwixt the Patron and Intrant, whether Simoniacal, or not, Ja: 6: p: 21: c: 1: *in fine* ¶. 5: pag: 857.

Taxation of *ten ſhillings* the pound Land of old extent, for the Eſtate of Barons, and Free holders, and ſo proportionally for the Spiritual Eſtate, and Eſtate of Burrows, granted to the Ordinary Lords of Seſſion for increaſe of their ſtock, and that yearly, for four terms or years, beginning the firſt term at *Martimes*, 1633: and the laſt to be *Martimes*, 1636: Car: 1: p: 1: c: 22: pag: 64.

General Ratification in favours of the Colledge of Juſtice *ibid.* c: 23: pag: 67.

That when the Lords of Seſſion ordain *twelve pennies* of the pound to be payed in any Decreet, the ſame ſhall not be payed by the obtainer, but by the Party againſt whom the Decreets is obtained, and the not payment by the obtainer ſhall be no ſtop to the extracting, Car: 1: p: 1: c: 26: p: 69.

The

The judicial proceedings under the *English* Usurpers before the Commissioners for administration of Justice, who sat in place of the Lords of the Session, Ratified, but so as any lesed thereby may bring the same to be reviewed before the Lords of Session, within a year after the down-sitting thereof, or of the Party lesed his attaining to Majority, if he be now Minor, Car. 2. par. 1. Sess. 1. cap. 12. *Anno* 1661. pag. 152.

Ratification of all priviledges and Acts in favours of the Colledge of Justice, Senators, Advocats, Clerks, Writters to the Signet, and remanent Members of the same, declaring that the whole priviledges granted and belonging to the Lords, and Senators thereof, shall belong to all the rest, in all time coming, *Ibid.* cap. 23. pag. 184.

Twelve thousand pounds Sterling given to the Lords by way of Assessment, for bettering of their stock; and the Act asserts the Lords of Session to be the supreme Judges under his Majesty, in all Civil Causes, *Ibid.* c. 50 pag. 249.

Other *ten thousand pounds Scots* yearly, beside the *ten thousand pounds* granted by King *James* the Sixth, p. 20. c. 11. (above) given to the Lords of Session out of the Customs, and whole sum of *twenty thousand pounds* yearly, equally secured by both the Acts, and appointed by this Act to be payed together. Car. 2. par. 1. Sess. 2. cap. 7. pag 299.

Ratification of the priviledge of the Ordinary Lord of Session, as to their exemption from all burdens imposed or to be imposed by this or any other Parliament, Car. 2. p. 2. Sess. 2. c. 8. pag. 437.

Act regulating the order of Proces, and methods of proceeding before the Session; as also, all Advocats, Clerks, and Writters Fees, with the manner of keeping the Registers of Hornings, Inhibitions, Interdictions, Seasings, Reversions, and others, Car. 2 p. 2. Sess. 3. c. 16. p. 474.

The Summer Session suppiest and discharged, and the times of the Session yearly appointed to be from the first of *November* untill the last of *March*, excepting the surcease from the twenty fourth of *December* until the first of *January*, Car. 2. p. 3. c. 7. pag. 539.

SHERIFF. See *Judges.*

That the Countrey, all, or part, hearing the Kings Horn, or thereto warned, rise and follow the Sheriff in pursuit of Fugitives, the Gentleman under the pain of *fourty shillings*, and the Yeoman under the pain of *twenty shillings*, Jam. 1: p: 6: cap: 98: pag: 29.

That

That the Sheriff receive persons arrested by the Crowner, and keep them in firmance to the Justice Air, upon the Parties own expences, or if they have it not, upon the Kings, at *three pennies per diem*, and if the Sheriff failzie, that he be lyable as a Borgh, Ja. 3. p. 14. c. 101. pag. 133.

That the Sheriff and Crowner should thole an Assise the last day of the Justice Air, *ibid.* c. 103. pag. 135 See *Crowner.*

The Sheriff discharging unlawful Convocation of the Lieges, and disobeyed, may cease the Court that day, and complain of the disobeyers to the King, *ibid.* cap. 104. pag. 135.

Sheriffs, Stewards, and Baillies, and other Officiars, should execute all Decreets, and their Fees appointed to be *twelve pennies* of each pound, Jam. 4. par. 3. c. 30. pag. 160. The Act is, *of the Defender not compearing*, &c. And that whether they be Sheriffs Ordinar, or in that part, and to be payed by the Debitor, Ja. 4: p: 6: c: 66: pag: 181.

That there be a Sheriff appointed for *Ross*, and another for *Caithness*, Ja. 4: p: 6: c: 61: pag: 178.

That *Culross* and *Tullialen* come to the Sheriff Court and Justice Air of *Striviling*: And a farther particular division of Shires made in the Act, *ibid.* c. 73. ¶. 1. pag. 183.

But this division ordained to be only for Justice Airs, and not for Sheriff Courts, Ja. 4. p. 7. cap. 101. pag. 193.

That Sheriffs, Stewards, or Baillies, giving Seasing on Precepts forth of the Chancellary, write the day and year thereof, and bring the same to the Exchequer (*See Seasing*) And this Act said to be made, because Vassals are hurt by the lying out of their Over-lords un-entered, Jam. 4. par. 6. cap. 89. pag. 187.

That Sheriffs cause proclaim the names of all Denounced and Registrat at the Horn in his Books, upon the Mercat dayes preceeding the three Head Courts, and that the Catalogue of them be affixed on the Mercat Cross, and in the Tolbuith, that they may be repelled *ab agendo*, and that within fifteen dayes thereafter they send their names to the Thesauter, that their Escheats may be taken up. Ja. 6. p. 6. cap. 75. *circa medium*, at the marginal note, *The names of Rebels should be published*, pag; 422. The Act is, for punishment of Persons, that contemnantly ly at the horn, &c.

That the Sheriff charge himself with, and make compt of all Escheats intromett with by him within his Jurisdiction, Ja. 6. p. 11. c. 75. p. 571.

That the Sheriffs give in yearly at the beginning of the Session to the Lords, the names of the Deputes and Clerks they mind

to

to make use of for that year, and that they be charged to find Caution Burgesses dwelling in *Edinburgh*, Acted in the Books of Council, that they shall yearly make due compt and payment in Echequer, Jam: 6: par: 11: cap: 81: pag: 572. Ratified, Car. 2. p. 1. Sess. 3. cap. 15. *circa medium*, pag. 332. The Act is, *For inbringing of his Majesties Rents.*

That Sheriffs and all Judges Ordinary to Burgh or to Land, within Regality or Royalty, be diligent to know the Laws, and put the same to execution, specially in searching, pursuing, and wairding Traitors and Rebells, as they will answer at their perill, under the same pains incurred by the by the Traitors; As also, in searching and apprehending of Somers, Vagabonds, strong Beggers, and *Egyptians*; as also, in giving Extracts of Seasings and Retours, at reasonable prices, in bringing their Books and Compts yearly to the Echequer, and in making of able Deputes and Clerks, who shall be bound to bring their Registers to the Exchequer, and that they find soverty for doing these things, and sending their Deputes and Clerks yearly the first of *November* to the Lords of Session, to be examined, and admitted, under such pains as the Lords shall modifie, wherein if they failzie, that they be denonnced, and all the Lieges exempt from their Jurisdiction, Jam: 6: p: 12: c: 126: pag: 621.

The Office and Duty of Sheriffs transiently summed up, Car. 2. par. 1. Sess. 3. cap. 15. *circa medium*, pag: 332. The Act is, *Act for inbringing of his Majesties Rents.*

SHERIFF-CLERK.

That the Sheriff-Clerks come to the Exchequer with the Sheriffs, and bring their Books subscribed with their hands, Ja: 5: p: 6: c: 79: pag: 234. To remain in the Register, Ja: 6: p: 11: c: 64: pag. 567.

That Sheriffs-Clerks Books be marked by the Register, as other Notars Books, and that the authentick Copies be reported yearly, to remain in the publick Register, and that they be answerable for this yearly in Exchequer, under the pain of Wairding or Horning, Jam. 6. par. 15. c. 275. pag. 741.

SHIP. See *Merchant*, and *Navigation.*

That Ships breaking here, the Ship and Goods be escheat to the King; if they be of a Countrey keeping such a Law, but if not, that they have such favour as is there shewn, Ja. 1. p. 9. c. 124. pag. 38.

That

That no Ship be Fraughted without a Charter Party, where of the points are, What the Master of the Ship shall furnish to the Merchant, that in case of debate betwixt them, they underly the Jurisdiction of the Burgh whereto the Ship is Fraughted; That Goods be not spilt by ill stolling; That no Goods be shorn, or stricken up; That the Master sure no Goods on his Over-loft, or if he do, these Goods pay no Fraught, nor do the Goods beneath Scat or Lot with them, in case they be casten: That every Ship exceeding five Last of Goods, pay to the Chaplain of the Nation a Sack Fraught, and if within five Last, the half of it, under the pain of *five pounds*: And that no Drink-silver be taken by the Master and his Doers, under the same pain: And homeward a Tun Fraught to the Kirk Work of the Town that they are Fraughted to, Ia. 3. p. 2. c. 14. pag. 93.

This Act Ratified, and that no Goods be fured on the Overloft, nor the Merchants Goods stricken up, nor spaked, nor riven, under the pain of *twenty pounds* to the King, Ia. 3. p. 14. c. 109. pag. 168.

That no Ship be Fraughted outward with Staple Goods from *Simon* and *Judes* day, till *Candlemas*, under the pain of *five pounds*, Ia. 3. p. 2. c. 15. pag. 94. And Ia. 5. p 4. c. 25. pag. 210. where the pain is raised to *twenty pounds*. And Ia. 4. p. 2: c: 14. pag. 153. where the time prohibit is from *Hallowmas* to *Candlemas*, excepting that any Goods may be sent forth in the time foresaid in Ships that bring in Salt, or Wine, Ia. 5. p 4. cap. 25. *in fine*, pag. 211.

That no Ships pass forth of the Realm without the Kings Cocquet, Ia: 6: p: 2: c: 40: pag: 382: *See Cocquet.*

Ships reckoned amongst Goods moveable, Ia: 6: p: 4: c: 56: pag. 400. The Act is, *Salt should not be transported.*

That all Ships be Victualled within Free Burghs and Ports, at the sight of the Magistrats, and Customers there, and marked by them, and if any more be found, that it be confiscat, Ia. 6: p: 5: c: 67: *Circa medium*, pag: 407: The Act is, *Act anent the carrying of Flesh forth of the Kingdom in Ships*, &c.

SHOOTING, See *Guns.*

SIGNATURE.

The date of Signatures should be filled up with the hands of the Thesaurer, Collector, Comptroller, Thesaurer of new augmentations, and Secretary, or their principal Clerks, and bear on the back the date of the Registration, and sic-like the day of the Signeting. Writing to, and passing the

Privy

Privy Seal, ſhould be marked, and the trial of Antedates not to be received but on great Adminicles, and a great ſum conſigned, and by the Writers, principal Officers, their Deputes, or Clerks, Writers to, and keepers of the Seals, and no others, and the falſhood, if found, to be puniſhed with the pains of *Falſhood*, and *Leſe Majeſty*, and three parts of the Lands and Goods forefaulted to belong to the King, and the fourth to the party injured, Ia: 6: p: 12: c: 135: pag: 631:

That no Signatures, or Letters be preſented to his Majeſty, but by his ordinary Officiars, unto whoſe Offices they properly belong, otherwiſe the ſaids Officiars are commanded under their higheſt peril to ſtop the ſame, and the ſaid ſtoping ſhall be repute good ſervice, Ia: 6: p: 10: c: 20: pag: 513:

Ratified, and that the ſaids Officers cauſe Regiſtrat the Docquet of the ſaids Signatures in a Regiſter, and ſend the double thereof to his Majeſties Secretary under their hands that he may give his Majeſty notice of all prior, or different deeds, Car: 2: p: 1: Seſſ: 1: c: 60: pag: 261:

SIMONY.

Any condition made by the Intrant with the Patron, reſerving to the Miniſter a ſufficient maintainance anſwerable to the ſtate of the Benefice, is declared not to be Simoniacal; And the Lords of Seſſion are appointed Judges in this matter, Ja: 6: p: 21: c: 1: *Circa medium*, ¶. 5: pag: 857: See *Patron*.

SINGING, See *Muſick*.

SKIN and BIRN.

That Beef, Mutton and the like be preſented to the Mercat with Hide, Skin, and Birn, under the pain of eſcheat thereof, Q: M: p: 9: c: 85: pag 329.

SLAUGHTER.

Where ever Slaughter is committed in Royalty, Regality, or Burgh, the Sheriff ſhould purſue the ſlayer while he be taken, or put out of the Shire, and in this caſe advertiſe the next Sheriff, or Lord of Regality, or his Baillie, who ſhall do the like diligence, and ſo forth, until the ſlayer be taken, or put out of the Realm: And that the ſlayer when taken, be ſent back to be tryed to the Sheriff where the deed was done, and if the deed be found to be forethought Fellony, the ſlayer ſhall die for it. In caſe the firſt

Sheriff

Sheriff apprehended the slayer, that he put him in sicker fastness, and the Law to be done within fourty dayes at the fartheſt, and if it be rede hand, within that Sun, Jam. 1. p. 6. cap. 89. pag. 26.

The ſame renewed, and extended to Demembration as well as ſlaughter, Jam. 4. p. 3. cap. 28. pag. 159.

And in caſe of eſcape, that the reſpective Sheriffs denounce the ſlayer Fugitive, and forbid his harboury, reſet, or help, under the pain of Life and Goods, Jam. 1. p. 6. cap. 90. pag. 26.

And theſe Acts, Jam. 1. par. 6. cap. 89, and 90. Ratified, and that the Sheriffs negligent be in the Kings will, and removed for three years, Jam. 3. par. 5. cap. 35. ¶. 2. pag. 105. And, Jam. 5. par. 7. cap. 97. *in fine*, pag. 245.

If a man be ſlain in the Barrony, that the ſlayer be arreſted, and the Law done by the Barron, if he have power, otherwiſe he ſhall ſend him to the Sheriff; but if he eſcape unarreſted through ſloth, or favour of the Barron, the Barron ſhall pay *twenty pounds*, or he and his Officer Impriſoned, and at the Kings will, Jam. 1. par. 6. cap. 91. pag. 27.

That the Officiars in Burghs arreſt the man-ſlayer in like manner, *Ibid.* c. 92. pag. *ibid.*

If the Sheriff, or Miniſter of the Regality, Miniſters not the Law, and this may be proven by an Aſſiſe, or Witneſſing of worthy and true men, three, four, or more, that then he be Impriſoned fourty dayes, and pay *fourty pounds* to the King, and the Croy to the neareſt of Kin of the ſlain, *Ibid.* c. 93. pag. *ibid.* But probably the Act ſhould ſay, if any Sheriff, or Miniſter of the Royalty, *&c.* And ſo the Title ſhould be changed, as appears by the next Act.

That the Lord of Regality wilfully negligent, be puniſhed in like manner; and if the Miniſter of the Regality fail, he ſhall be puniſhed by his Lord, as the Sheriff by the King, and Aldermen and Baillies in Burghs to be puniſhed by the Kings Juſtice, *ibid.* c. 94. pag. *ibid.*

Where the committer of ſlaughter flees to Girth: See Jam. 3. par. 5. c. 35. pag. 104. In *Girth.* See alſo *Fore-thought Fellony.*

That if the man-ſlayer be put to the parties horn, he ſhall be not relaxed, or have Dilators of fourty dayes, but upon ſufficient Caution, and if he then failzie to compear, that he be put to the Kings Horn, and his Goods eſcheat, Jam. 3. p. 6. c. 42. pag. 108.

That

That the man-slayer charged by the Sheriff personally, or at his dwelling-house, and at the Mercat Cross of the Head Burgh of the Shire where the slaughter is committed, upon six dayes to find Caution, and disobeying, be denounced, and his Goods escheated, and intimation made to the next Sheriff, Jam. 3. par. 14. cap. 100. pag. 133. *See Relaxation.*

SOAP, and SOAP-WORKS.

Oyl, Pot-Ashes, and all other Materials for Soap Works, and Soap making, and all Soap made within the Countrey declared free of Custome and Excise, and other publick or private dues whatsoever: As also, all Soap so made and exported, to be free for nineteen years after the setting up of the saids Works, and after the date of this Act, for such as are already set up, Car: 2: par: 1: Sess: 1: c: 48: pag: 248.

SORNERS.

That no man ride nor gang with moe men nor may suffice, and for whom he will make payment, Jam. 1. par. 1. cap. 5. pag. 2.

That no Companies pass in the Countrey, and ly on the Kings Lieges, or Thig, or Sojourn Horse on them, under the pain of Assithing, the King and Party complaining. *ibid.* cap. 7. pag. *Ibid.*

That Inquisition be made by all Judges against Sorners, Masterful Beggars, Bards, and made Fools, to be punished by Imprisonment so long as they have of their own to live upon, and fra they have not, by nailing their Lugg, cutting off their Ears, and Banishment, and if they be found again, that they be hanged, Jam. 2. par. 6. cap. 22. pag. 57.

That Sorners be punished forthwith by the Justices, as Thieves, or Reivers, Jam 2. p. 11. c. 45. pag. 68. Ratified, Jam. 3. par. 10. c. 77. pag. 122.

That in all Justice Airs Inquisition be taken of Sorners, Bards, and feignied Fools, Jam. 2. par. 14. cap. 79. pag. 82.

SPEARS.

That all Spears be six ells in length, under the pain of escheat

eſcheat of the Spears, and the maker or home-bringer to be in the Kings will, Ja. 3. p. 6. c. 44. pag. 110.

That Spears be five elns and an half in length, Ja. 3. p. 11. c. 80. pag. 124.

SPUILZIE.

That in open and publick Reiffs and Spuilzies, the Sheriff cauſe the Spuilziers or Reſetters make reſtitution, and arreſt both them and the Goods to the Law. And if they diſobey, denounce them; And if the Sheriff refuſe, that he be demanded by the Lieutennent, as the Spuilziers ſhould have been, Ja. 2. p. 5. c. 10. pag. 53.

And this Act to be fulfilled by the Lords of Regalities alſo, with aſſiſtance of the Lord of the Ryall, if need be, and if the Lords of Regality fail, the Sheriff may fulfil it within the Regalities, *ibid.* c. 11. pag. 54.

The Spuilzie being proven, whether the Spuilzier compear or not, the Spuilzied ſhould be reſtored, his expences payed, and alſo the Kings unlaw, Ja. 2. p. 6. c. 20. pag. 57.

Summonds of Recent Spuilzie ſhould be execute upon fifteen dayes, Ja. 4. p. 6. c. 65. pag. 180. See it in *Summonds.*

That for Depredation, Reiffs, and Spuilzies, particular Juſtice Courts may be ſet at the Diſcretion of the Lords of Seſſion, the matter being firſt civilly decided. Ja. 5. p. 4. c. 34. *in fine.* pag. 215. The Act is, *The Crowner may arreſt Fugities*, &c.

In caſe of Thieft and Reiff by broken Borderers, or Highlanders, the Party may perſue for his skaiths, to be modified by his own Oath, either before the Lords of Seſſion, or the Juſtices, whereupon Execution ſhall paſs againſt both the Principals and their Soverties. Ja. 6. p. 11. c. 94. *In initio.* pag. 581. See *Clans* and *High-lands.*

STALKER. See *Wilde Beaſts.*

Stalkers, ſlayers of Deere ſhall pay *fourty ſhillings* to the King, and their Holders *ten pounds*, and this to be point of Dittay. Ja. 1. p. 2. c. 36. pag. 9.

STANCK.

That none take Fiſh out of others Stanks, under the pain of Dittay and Thieft. Ja. 3. p. 7. c. 60. pag. 115. See it with the Acts following in *Thieft.*

That Lords and Lairds make Parks, Stanks, Cunningairs, Dow-

Bowcam, and Orchyairds, Ja: 4: p: 7: c: 74: pag: 183. See it in *Planting*, and *Policy*.

STEALING, See *Theift*.

STEWARD, See *Jugde*, and *Sheriff*.

STRANGER.

That Strangers selling Merchandize for money within the Realm, either Wair their money for penny-worths, or pay the Custome of *fourty pennies per pound*, Ja: 1: p: 1: c: 15: and 16: pag: 4.

Strangers Merchants coming in the Realm with Victual, and other leifful Merchandice, should be honourably and favourably treated, and not troubled with Arrestments, and after entry made, the King should be first served, and then the Lords of his Council, according to the price agreed with the Merchants, and the rest sold freely, Ja: 3: p: 10: c: 72. pag: 121. Ratified and enlarged: and that the King and his Lords be first served for good and thankful payment, Ja. 3. p. 14. c. 114. pag. 141.

STUDENTS, See *Universsity*.

STUDES, and STUDE-PLACES.

That Studes, and Stude-places be furnished with Meirs, and Stallions, Ja: 5: p: 4: c: 19: pag: 207.

SUBSCRIPTION.

That Writs under *Seal*, without the *Subscription* of the Party, and Witnesses, or an Notar for the Party, if he cannot writ, make no Faith, Jam: 5: par: 7: cap: 117: pag: 254.

That all Writs of Heretage, or of importance, be subscribed, and *Sealed* by the Party, or if he cannot writ, by two famous Notars, before four famous Witnesses, well designed, and present at the time, or otherwise the saids Writs to make no Faith, Ja. 6. p. 6. c. 80. pag. 427.

But this Act as to sealing, is declared not to be understood of Writs bearing Registration, a consent to the Registration being a greater Solemnity, and the due subscribing thereof sufficient: And notwithstanding of the said Act, one Notar with an sufficient number of honest Witnesses, is

declared to be sufficient in Instruments of Seasing, Jam. 6. p. 9. cap. 4. pag. 500.

Noble-men, and Bishops, only are allowed to subscribe by their Titles, and all others should subscribe by their Names, and Sur-names, and may if they please adject their Designation OF, *&c. such a place*, otherwise they may be punished by the Council upon Information of the Lyon, and his Brethren, Car: 2: p: 2: Sess: 3: c: 21: *circa finem pagina*: 507. The Act is, *Concerning the Privileges of the Offices of the Lyon King at Armes.*

SUCCESSION, See *Testament.*

Act asserting the right of Succession to the Crown of *Scotland*, to devolve immediatly according to the proximity of blood, and that no difference of Religion, or Law, made, or to be made, can alter, or divert the said right, nor stop, or hinder, the Successor, in the full, free, and Actual Administration, according to the Laws of the Kingdom, and that it is high Treason, by Writing, Speaking, or any other manner of way, to endeavour the Alteration, Suspension, or Diversion, of the said right, or to debarr the Lawful Successor, from the immediate, Actual, full, and free Administration of the Government, conform to the Laws of the Kingdom, Car. 2. p. 3. cap. 2. pag. 526.

SWEARING.

Particular pains ordained against Profane Swearers, with gradual Augmentations, and ending in Banishment, Q: M: par. 5. cap. 16. pag. 279. Ratified, with an Augmentation of the pains, and that Magistrats, to Burgh, and Land-wart, appoint Censours in publick *Mercats*, and Fairs, with power to exact the saids pains, and that Housholders, delate Offenders within their Houses, under the pain to be esteemed as Offenders themselves, Jam. 6. p. 7. cap. 103. pag. 444.

Ratification of all Acts made against Swearing, and Cursing, and farther, that who shall Blaspheme Swear or Curse, shall pay, the Noble-man, *Twenty pounds*, the Barron, *Twenty merks*, the Gentleman, Heretor, or Burgesses, *Ten merks*, the Yea-man, *Fourty shillings*, the Servant, *Twenty shillings*, *toties quoties*, and the Minister

sister the fifth part of his Stipend, to be applied as in the Act, anent Justices of Peace, and the insolvent, to be punished in their Persons, Car. 2. p. 1. Sess. 1. c. 19. pag. 182 Ratified, Car. 2. par. 2. Sess. 3. cap. 22. pag. 508. See it in *Profanness.*

SUMMONDS.

The Summonder may make his rehearse in Court, by Writ, or Tongue, keeping the six terms of Summonds, and he must have sufficient witnesses of diverse Barronies, who shall Swear in Court the truth of the Summonds, Jam. 1. par. 9. cap. 112. pag. 35.

The order of Summonding Persons, Continuations, and their fines, with the manner of putting the Persewer in Possession of their Lands, and Gudes, after three diets, and their recovery thereof, and if the Party be Condemned, that his Lands, and Gudes, be recognisced in the Kings hands, and if he has none, then shall he be out-lawed, and put to the Horn, Jam. 2. p. 6. c. 30. pag. 60. (these are old Forms.)

Summonds Peremptour before the King and Council abridged to twenty one dayes, Jam. 3. par. 1. cap. 6. Pag. 90.

In Summonds of Errour, the Members of Inquest should appear Personally, because it may depend on their Infamies, and the Summonds proceeds, whether the Party called for his Interest compear or not, and the Persewer of this Summonds not insisting, payes the expences of the Party, and an un-law of *Fourty shillings*, and so in other Summonds, Jam. 4. p. 3. c. 35 pag. 163.

Summonds of recent spuilzie, if raised within fifteen dayes after the committing of the spuilzie, may be made on fifteen dayes, and no Dilator to be admitted, if the Summonds be lawfully Indorsat, Jam. 4. p. 6. cap. 65. pag. 180.

Summonds Priviledged, are recent spuilzies, calling of Letters, redeeming of Lands, Acts of Adjournal, Actions of Tinsel against Superiors, Reduction of Inordinat Process before the Sheriffs, and Baillies, and retreating, and transferring of Decreets, except Letters that concern Horning, which shall have Process at all times, Jam. 5. p. 5. cap. 45. p. 219. See *Session.*

A Person being Summoned eight dayes before he go forth of the Realm, if it be not *Rei-publicæ Causa*, the Process goes on against him, as if he were not forth of the

Realm, upon warnings at his dwelling place, or if he has none, or has not left a Procurator, at the Mercat-croſs of the head Burgh of the Shire where he moſt reſorted of before, and this to have place in Civil Actions only, but not againſt Witneſſes, Q: M: p. 6. cap. 32. pag. 292. See *Executions*.

Act and Letters of Continuation diſcharged, and that in lieu thereof, all Summonds in uſe to have been continued, contain two diets, and be directed to Sheriffs, and Meſſengers, *reſpective*, and be Execute to the firſt diet; and after elapſing of the dayes of the firſt Citation, to the ſecond diet, in the ſame manner, and with the ſame effects, as Summonds, Acts, and Letters were uſed formerly, Car. 2. par. 2. Seſſ. 3. cap. 6. pag. 458.

SUMPTUARIE Laws, See *Apparel.*

SUPERIOR.

That Superiors charged by their Vaſſals, upon fourty dayes, enter to their Superiorities, otherwiſe tine the ſame, for that Vaſſals life time, and muſt Aſſith his skaith, and the Vaſſal is to be entered by the next Superior, Jam. 3. p. 7. c. 57. pag. 114.

That the Mails, and Duties of Lands pertaining to Vaſſals that have been year and day at the Horn, return again to the Superiors, for the Vaſſals life-time, except in Crimes of Treaſon, and *leſe-Majeſty*. Jam: 5: p: 4: cap: 32: pag: 213.

SUPERIORITIES of Kirk-lands, See *Kirk-lands.*

SUPERSEDERE.

All *Superſederees*, or Licences granted by the King to Perſons at the Horn, forbidden, and declared null, and void, Jam 6. par. 11. cap. 47. pag. 557.

SU-

SUPERSTITION, See *Pilgrimage*, and *Religion*.

SUPPLY ROYAL; See *Annuity*; 40000. pounds *Sterling*.

Act of Convention for a Supply to his Majesty of *ten Hundred Thousand merks*, to be raised in five years, by way of Taxation, Act of Convention: 4. of *August*, 1665. pag. 579.

Act of Convention for a Supply to his Majesty of a Twelve Moneths Cess, being *seventy two Thousand pound, per Mensem*, in all *Eight Hundred and sixty four Thousand pounds*. Act of Convention 23. of *January*, 1667. pag. 595.

Act for a Supply to his Majesty of *Three Hundred and sixty Thousand pounds* to be raised by way of Assessment, at the terms in the year specified in the Act, Car. 2. par. 2. Sess. 2. cap. 3. pag. 428.

Act for a Supply to his Majesty of *Eight Hundred, and sixty four Thousand pounds*, to be raised by way of Assessment, and payed at four terms, *Lambas*, 1672. *Candlemes*, and *Lambas*, 1663. and *Candelmes*, 1674. And that no man be oblidged to produce discharges thereof after the second of *February*, 1681. And Retention is granted of a Sexth part of Annual-rents from *Martimes*, 1672. to *Martimes*, 1673. for ease of the Heretors, and Land-Rent, Car. 2. par. 2. Sess. 3. cap. 4. pag. 452.

Act of Convention for a Supply to his Majesty of Twenty five moneths Cess, being *Eighteen Hundred Thousand pounds* to be raised in five years, five moneths yearly, beginning the first term at *Martimes*, 1678. Act of Convention 28. *July*, 1678. pag. 615.

Act and Offer of a new Supply to his Majesty, by continuation of the saids five moneths Cess, *per annum*, for other five years, after the term of *Martimes*, 1683. *inclusive*, and that none be oblidged to produce discharges of this Supply, after the Tenth of *June*, 1691. And that Heretors for their relief, may taxt the Inhabitants upon their ground, as in the Act, and the order of uplifting, and quartering for this Cess, is set down in the Act, Car: 2: par: 3: cap. 3. pag: 527.

SUSPENSION.

That no Suſpenſion be paſt againſt Biſhop, Miniſter, or Maſter of Univerſity, or Colledge, of any Charge for their dues on ſpecial Decreets, except upon production of diſcharges, or upon Conſignation, and if the Rent charged for be Victual, of *a Hundred merks* for each Chalder: But prejudice of a higher Modification at the diſcuſſing, and that Bills of Suſpenſion of general Letters the time of Seſſion, be firſt ſhewed to the Charger, and if either the Charge, or Suſpenſion be found Malicious, the Lords of the Seſſion may modifie a fifth part of the ſum for expences, Car. 2. par. 2. Seſſ. 1. cap. 6. pag. 385.

SYNOD DIOCESIAN, See *Kirk*, and *Miniſters*.

SYNOD NATIONAL.

Act anent the Conſtitution of a Synod National, whereby his Majeſty hath the power of propoſing by the Arch-Biſhop of St. *Andrews* Preſident, and is alwayes to be preſent, by himſelf, or his Commiſſioners, and no Act to be valide, unleſs agreed to by the Preſident, and Major part, and unleſs it be Conſiſtent with his Majeſties Prerogative, and the Laws, and be confirmed by his Majeſty or his Commiſſioner, Car. 2. par. 1. Seſſ. 3. cap. 5. pag. 318.

T

TACK, and TACKSMAN, See *Tennent*.

That Tacks being ſet to Labourers, the Takers ſhall remain therewith unto the iſche of the terms thereof, for the mail they took them, to whoſe hands ſoever the Lands come, Ja. 2. p. 6. c. 18. p. 56.

But who takes Land in Wodſet, ſyne for Maill long time after

after, the Land be quite out for half Maill, or thereby, that these Tacks be not keept, after the outquitting, unless they be set for the very Mail, or thereby, *Ibid.* cap. 19. pag. *ibid.*

How, and for what years and space beneficed Persons may set their Benefices, and Fruits thereof. See in *Beneficed Persons.*

TALLOW.

That no Tallow be had out of the Realm, under the pain of escheat of it. Jam. 1. p. 2. c: 32: pag: 8. And farther of all the Owners Moveables, as also of the Moveables of the Master, or Skipper of the Vessel, that receives it, Jam. 5. par. 7. cap. 123. pag. 256. And Q: *M:* p. 6. cap. 40. pag. 296.

That none melt, rinde, nor Barrell Tallow, under the foresaid pain, Jam. 5. par. 7. cap. 123. *in fine*, pag. 257. See *Forbidden Gudes.*

TAVERNE.

That no man in Burgh, be found in Tavern, or Alehouse, after the straike of nine, and the Bell ringing, under the pain of wairding, and the Aldermen and Baillies negligent in this, to be fined by the Chamberlane in *Fifty shillings*, Jam. 1. p. 13. c. 144. pag. 45.

TAXATION, See *Supply.*

Order for speedy inbringing the Taxation, then granted, and found that the King could not grant discharges of that Taxation, being granted be the three Estates to the Embassadour for his Marriage, Jam. 4. par. 2. c. 9. pag. 149.

An Taxation of *Two Hundred Thousand merks*, granted to the King and proportioned thus, the sum of *An Hundred Thousand merks*, by the Spiritual Estate the sum of *sixty six Thousand six Hundred, and sixty six merks, eight shillings, ten pennies*; by the Barrons, and Free-holholders, and the sum of *Thirty three Thousand three Hundred thirty three merks, four shillings, six pennies*, by the Burrows, and the Barrons part as here stated is taxt to *Fourty shillings*, upon the pound Land, of old extent, and the Act contains at length the form and manner of upsifting it, Jam. 6: p. 15: c: 281, *Anno* 1597. pag. 745.

Another Taxation granted to his Majesty of *Thirty shillings* the pound Land of old extent termly, for four terms, for the Barrons, and Free-holders, and the Spiritual Estate, and the Burrows, to pay their Parts of the said Taxation, effeirand to the said Taxt upon the Barrons, as also an Extraordinary Taxation of the *Twentie penny* of all free Annual rents for four years, Jam: 6: p: 23: c: 2: *Anno* 1621. pag: 937.

Act anent the Collecting, and inbringing of this Taxation, and Relief, to Prelates, *ibid.* c. 3. pag. 944.

An Taxation granted to his Majesty of *Thirty shillings* the pound Land of old extent, termly for six terms, or years, for the Barrons, and Free-holders, and so proportionally for the Spiritual Estate, and Estate of Burrows, beginning the first term, or year at *Martimes*, 1634. with an Extraordinary Taxation, of the *sixteenth penny* of all free Annual-rents yearly the saids six years, Car: 1: p: 1: c: 1: 28. *June*, 1633. pag: 3.

Act anent the Collecting and inbringing of this Taxation, and for the relief of Prelats, *Ibid*, cap. 2. pag. 10.

Supply to his Majestie of *Ten Hundred Thousand merks*, to be raised in five years, by way of Taxation. Act of Convention, 4. *August*, 1665. pag. 579. See *Supply*.

TEIND, and TEINDING.

That Teind Masters Teind within eight dayes after shearing of the Corns, as the same are ready, or otherwayes the Labourers requiring them openly in the Paroch Kirk. three Sabbaths in the fore-noon, after the shearing, may at the sight of two honest neighbours, sworn before witnesses, sepetat the stock from the Teind upon the ground, which he should keep from Beasts, until the first of *November*, Ja. 6. p. 6. c. 73. pag. 412.

But these three Sabbaths are reduced to two, providing there be fourteen dayes fully interjected, betwixt the day of the Requisition, and the day of the Teinding, Ja. 6. p. 11. c. 48. pag. 557.

That Teinding if the owner please be at three times, the Croft Corn at one time, the bear at the second, and the out Field Corn at the third, and that fifteen dayes after shearing of each sort, Teinding may be required on seven dayes, and the Owner if not answered, may teind, and stack *ut supra*, Ja: 6: p: 18: c: 8: pag: 808.

Teinding at three times as in the last Act, again statute, and that eight dayes after shearing of each sort, Teinding may be required upon other eight dayes, and if not obtained,

that

that the Owner may teind, and ſtack, as above, Ja. 6. p. 21. c. 5. pag. 862.

But thir dayes of Requiſition are ſhortned to four, and it is appointed to be made to the Teind Maſter, at his dwelling-houſe, if preſent, and if not to his Factor Perſonally, or to the Miniſter, and at the Factors dwelling-houſe, which Factor the Teind Maſter is ordained to name, and appoint, within the Paroch, or ſome Clachan next to it, and to intimate the ſame the laſt Sunday of *July*, or firſt Sunday of *Auguſt*, publickly, otherwiſe Teinding may proceed after the ſaid eight, and four dayes, and the Owner is only bound to keep the ſeperate Teind upon the ground eight dayes thereafter, and it is declared, that a third part ſhall be repute ſhorn, as ſaid is, albeit about a tenth of it be left ſtanding, and the ſame order is to be uſed as to this tenth part, when ſhorn, Ja: 6: p: 22: c: 9: pag: 904.

That each Heretor have the leading and drawing of his own Teind, whether Perſonage, or Vicarage, the ſamen being firſt valued, and either bought by him, or he paying the rate thereof, which is declared to be the fifth part of the conſtant Rent of Stock, and Teind, or if the Teind be valued ſeverally, then the rate is the Valuation thereof, deducing a fifth part for the Heretors eaſe, that the price of all Teinds be nine years purchaſe, the ſame being eſtimate at the rates of the Countrey, and the Heretors have Liberty to buy at this Rate, (except the Teinds locally aſſigned to the Miniſter) any time betwixt and *Martimes*, 1635. or if the Teind be not yet valued, within two years after the expeding of the Valuation, unleſs the Titular be Minor, or otherwiſe impeded to ſell, in which caſe the Heretor offering to buy as ſaid is, ſhall be admitted ſo ſoon as the Impediment is removed: But if the Heretor be Minor, his Minority helps him not as to the ſaids two years, only for the neglect he hath action againſt his Tutors and Curators: And where there is a Life-renter, the Heretor buying muſt give the Life-renter the leading, and drawing, for payment of the rate, but the buying or not buying prejudge not his Majeſty as to the Annuity and all other queſtions are referred to the Commiſſioners to be appointed in this Parliament for Valuation of Teinds, and this Act obliges not Arch-Biſhops, Biſhops, and Other beneficed Perſons, being Miniſters, but according to the Proviſions, and Conditions, ſet down in the Submiſſion, made by the Biſhops, in the year, 1628. And the Vicarage being a ſeveral Benefice, is ordained in favours of the Titular, or Miniſter, ſerving the Cure, to be valued a part, Car: 1: par: 1: c: 17: *Anno* 1633. pag: 49.

But these Provisions set down in the *Submission* made by the Bishops, are restricted to that whereof they, and other Beneficed Persons, and Colledges, Hospitals, and other dotations to pious uses, were in actual possession of, the time of the Submission, which is to remain according to the foresaids Provisions, *Ibid.* cap. 19. *in fine paginæ*, 60. The Act is, *Commission for valuation of Teinds not valued*, &c.

Commission for Valuation of Teinds, and rectifying Valuations already made, as also, for planting and providing of Kirks, and for perfecting the Act of Parliament, annexing the Superiorities of Kirk-lands to the Crown, Car. 1. par. 1. cap. 19. pag. 53. The ranking of the Bishops, Officers of State, and Noble-men is singular in this Commission, pag. 56.

Commission for Valuation of Teinds, Car. 2. par. 1. Sess. 1. c. 61. pag. 262. See it in *Plantation of Kirks*.

Act whereby in respect of the Clause in the Bishops and Clergies Submission, 1627. That they should enjoy the Fruits and Rents of their Benefices as they were possessed by them for the time. All Valuations of Teinds whereof they were then in possession, by leading and drawing, or by uplifting the Rental Bolls, made since the year, 1637. are declared void and null, providing that Hererors whose Teinds belong to the said Clergy, and were in Tack the time of the said Submission, shall be in the same case they were in by the Decreet Arbitral, given upon the said Submission. And by the Act, Car: 1: p: 1: c: 19: pag: 53. (above) Car: 2: p: 1: Sess: 2: cap: 9: pag: 304.

Commission for Valuation of Teinds: It excepts no Teinds from Valuation, save such as Bishops, and other Beneficed Persons Ministers were in possession of, by leading and drawing, in the year, 1628. And providing the Bishops be not prejudged in their Rents, as they Possessed in the year, 1637. And Heretors are admitted to buy three years after Valuation, Car: 2: p: 1: Sess: 3: cap: 8: pag: 350.

Commission for Valuation of Teinds, Car. 2. p. 2. Sess. 3. c. 15. pag. 470. See it in *Plantation of Kirks*.

TENNENT.

That what ever way Lands happen to be altered to a singular Successor, by Waird, Decease of a Life-renter, Sale, or otherwise, the Tennent, Labourer, and Inhabitant, shall not be removed untill the next *Whitsunday* there-

thereafter, he paying to the Intrant Lord the Duty used and wont, Jam. 4. p. 3. cap. 26. pag. 158.

TERCE.

The Relict shall be Terced, and bruik her Terce, if her Marriage was not challenged in her Husbands life, but she repute a lawful Wife, ay and while it be clearly decerned that she was not a lawful Wife, and that therefore she should have no Terce, Jam. 4. p. 6. c. 77. pag. 184.

That in time coming, where a particular Provision shall be granted by a Husband in favours of a Wife, she shall be secluded from all Terce, unless it shall be expressly reserved in the same Writ, but prejudice nevertheless to Contracts and Provisions already made, which are to be in force according to the former Law and Custome, Car. 2. p. 3. cap. 10. pag. 542.

TEST.

Act anent the Test, that all Persons in Publick Trust or Imployment, Ecclesiastick, Civil, or Military (The Act contains a long and particular enumeration) Sign the Test subjoyned to the Act, in manner therein set down (the Kings lawful Brothers and Sons only excepted) under the pain of being declared uncapable of Publick Trust, and amitting their Moveable and Liferent Escheats, one half to the Informer, the other to the King, and that the privy Council see this Act put to execution, Car. 2. p. 3. cap 6. pag. 534. See the Act in *Religion*.

Act supplying and extending the enumeration of Publick Trusts set down in the former Act, *Ibid.* cap. 25. pag. 563.

TESTAMENT, Se *Executors*, and *Quot*.

That where Persons die within age, so as they cannot make Testament, the neareſt of Kin should have their Goods, without prejudice of the ordinary Quot, Jam. 5. p. 7. c. 120. pag. 256.

That no Charges of Horning for Confirming of Testaments be given at the Procurator Fiscals instance, but upon a Roll subscribed by the Commissar, and within

three yeats after the Defuncts decease; and that no Caption be used thereon, but where the Horning hath been execute against the Party personally, or at his dwelling house, and Paroch Kirk door, on a Sabbath after Divine Service, certifying Commissars, Fiscals, Clerks, or other Members of Court, that if they contraveen this Act, they shall be deprived, Car: 2: p: 2. Sess. 1. cap. 19. pag: 415.

THANKSGIVING-DAYES.

The fifth of *August*, yearly appointed to be a day of Thanksgiving to God for ever, for King *James* the sixth his preservation from the Treasonable attempts of the Earl of *Gowry* and his Brother, with abstinence from all works that may distract from the said Exercise, Jam: 6: par: 16: cap. 1. pag. 759.

The twenty ninth of *May* yearly appointed for the solemn Commemoration of the Kings Restauration, and for that end that it be set apart as an Holy Day unto the Lord, and be imployed in Prayer, Preaching, and Praising, and lawful and suitable divertisements, with abstinence from all handy labour, and other ordinary imployments, Car: 2: p: 1: Sess: 1: c: 17: pag: 179.

But this Act as to the Narrative is altered, and the words of the appointment renewed in other terms, and the not observers ordained to be fined, and other wayes punished by the Council, and other Judges ordinary, according to their condition and estate, Car: 2: p: 2: Sess: 3. cap. 12. pag. 468.

THIEFT.

That Dittay be taken of them that steals green Wood, or peels the Bark off Trees, and that they be punished in *fourty shillings* to the King, and Affith the Party: And siclike of breakers of Orchyards, stealers of Fruits, destroyers of Cunningaries, and Dowcats. Ja. 1. p. 2. c. 33. pag. 8.

That the stealer of Wood in another Lords Land, be there arrested, and suffer Justice in his Court, and in none other, *Ibid.* c. 34. pag. *Ibid.*

That no Lord of Regality under the pain of tinsel of his Regality, nor Sheriff, Justice, and Barron, under the pain of tinsel of Life and Goods, sell any Thief, or Fine with him of Thieftdome, and this Statute to endure during the Kings will, Jam. 1. p. 13. c. 137. pag. 43.

Justice should be done on Thieves, as soon as may be, without abiding fourty dayes, *Ibid.* c. 142. pag. 44. And where the Justice cannot hold Justice of Masterful-men, that he cer-

certifie the King who shall provide remedy, in all haste, Jam: 2: par: 6: c. 27. pag. 59.

That no man take or steal Eggs out of Pertridges or Wild Ducks Nests, under the pain of *fourty shillings*, Ja. 3. p. 7. c. 59. pag. 115.

That no man hunt, shoot, or slay Deere, or Rae, in other Closes, or take Cunnings, Fowls, or Fish out of others Cunningairs, Dowcats, or Stancks, under the pain of Dittay, and Thieft, Ja. 3. p. 7. c. 60. pag. 115. And Jam: 5: p: 4: cap: 13: and 14. pag: 205. Nor steal Hives, and that these be points of Dittay, and the unlaw *ten pounds*, beside the Parties skaith; And if Children under age commit any of thir things, that their Fathers, or Masters pay *thirteen shillings four pennies* for ilk ane of them, or deliver them to the Judge to be scourged, Ja. 4. p. 6. c. 69. pag. 182.

And that the foresaid Acts be extended to stealing of Fruit-Trees. Barking of Trees in Woods, and Fowlers with Nets, Q: M: p: 6: c: 58: pag: 306.

These Acts Ratified, with pains Pecunial of *ten, twenty, and fourty pounds*, or pains corporal of Prison and Stocks, and even to Death, *inclusivè*, for the first, second, and third fault, Ja: 6: p: 6: cap: 84: pag: 428.

All Ratified, and that who breaks down Woods, Parks, Dikes, Fences, or Closures, or Pastures, or cuts Broom, or Grass within the same, or breaks Dowcats, or steals Bees, or steals Fish out of other mens Stanks, or Lochs, may be conveened before the Secreet Councel, or any Inferiour Judge, but the pain in the Justice Court not to exceed *fourty pounds*; and before the Councel, as the Councel shall think fit to appoint, without prejudice to the execution of former Acts, Iam. 6. par. 19. cap. 3. pag. 821.

The Master or holder of a Thief, if required by the Party, should exhibite him before the Judge, or deliver him to the Party, under the pain of Art and Part, and making of restitution; and that no man attaching a Thief, concord with him, and take Thieft-boot, and put him from Law, under the pain of being accused as the principal Thief: And the wrongous Accuser of another for Thieft, payes him *ten pounds* for the slander, Ja. 5. p. 1. c. 2. pag. 197.

That Resetters or Assisters of Thieves, or Intercommuners with them for that effect, may be pursued either before the Justices, as Art and Part, or called Civilly before the Lords on fifteen dayes, without Diet or Table: And that all Sherriffs, Baillies, *&c.* put the saids matters to Inquisition, by an Assise of the Countrey, and make report to the Justices within fifteen dayes thereafter.

That no Thief take any *Scots-man*, under the pain of Treason, and that leill men so taken, be not holden to enter to them, but their Bands and Soverties therefore given are discharged, and if any of the said Thieves Charge on the said Bands, that they incur the pain of Treason; That leill men taking Thieves committing Thieft, or in going to, or coming from it, if they have not power of themselves to justifie them to Death, present them to the Justice within fifteen dayes. That none take or sit under the assurance of Thieves, or pay them Black maill, or give them meat, drink, reset, maintenance, or supply in their Thieftuous deeds, under the pain of Death, and escheat of their moveables. That all men rise and raise the fray, and follow after Thieves, and help to take them, or to recover the Goods, under the pain of being holden for partakers, and that the Justice execute the Law with rigour, without favour or delay, Jam. 6. p. 1. c. 21. pag. 370. Death intimate to be the pain of Thieft, Jam: 6: p: 6: cap. 74. ¶. 1. at the end, pag. 413. And more plainly, par. 7. c. 112. ¶. 2. pag. 457. par. 11. cap. 83. pag. 576. par. 18. c. 5. *in fine*, pag. 806.

Who keeps any *Scots* or *English* Thief in his Company, openly or privatly, in the Kings Court, or in the Burgh of *Edinburgh*, shall be repute and punished as a favourer and maintainer of Thieves and Thieft, Ja: 6: p: 11: c: 102: pag. 587.

That they that sell the Goods of Thieves of Clanns, that dare not come to Mercat in the Low-Lands themselves incurr banishment, and escheat of Moveables, half to the King, the other half to the Apprehender, *ibid.* c. 110. pag. 589.

Ratification of the whole Laws and Acts anent Theiftboot, reset of Thieft, and the Intertainers of, and Intercommuners with Thieves, ordaining them to be put to execution, Jam: 6: par: 13: cap: 178: pag: 665.

That the Person from whom Goods are stollen, pursuing the Thief *usque ad sententiam*, shall have his own Goods again, where ever they can be had, or the value, with the expence, out of the readiest of the Thieves Goods, without prejudice to the Sheriffs, and other Magistrats, and takers of the Thief, of their expences in taking and executing him, Car. 2. par. 1. Sess. 1. cap. 26. pag: 187.

THIRDS of BENEFICES.

That the Thirds of all Benefices be payed to the Ministers, and

and they being payed of their Stipends, the *superplus* to be applied to the Kings use, Jam. 6. par. 1. cap. 10. pag. 362.

Act declaring that the Thirds of Benefices, Common Kirks, Friers Lands and Rents being only destinate to these two uses, might be no otherwise given, nor imployed; and therefore all Pensions, Life-rents, or Tacks of the *superplus* of the saids Thirds, or of any Common Kirk for longer then a year, or whereby the saids Thirds *superplus* thereof, first and best Rental of Common Kirks, Friers Lands, and Rents thereof hath been diminished, or altered since the last Assumption, are declared to be null: But prejudice always of whatsoever Infeftments granted by the King in diminution of the saids Thirds, Ja. 6. p. 12. c. 123. *in medio*, pag. 617.

Ratified, and all exceptions made therefra, in the Act it self, or otherwise, are declared null, excepting only that anent Infeftments, and but prejudice of the Colledge of Justice, and Lords thereof, as to their Priviledges, Ja. 6. p. 15. c. 245. p. 721. See *Ministers*.

Benefices of Cure, being Laick Patronages provided to Ministers serving and residing at the Kirks thereof, are freed of Thirds, and the same declared to be a part of their Living, Ja. 6. p. 12. cap. 161. pag. 650.

All Tacks in diminution of the Rental, and Pensions out of the Thirds, are declared null; and that it is not lesome to the King to dispone the same any manner of way, Ja. 6. p. 15. c. 244. pag. 720.

TIN. See *Pewter*.

TOBACCO.

Act discharging a new Imposition laid upon Tobacco, in *December*, 1671. And allowing the Import thereof free of all other Impositions, except the ordinary Custome and Excise, Car. 2. p. 2. Sess. 4. cap. 4. pag. 521.

TRADE.

Act Regulating the Liberty of Trade betwixt the Royal Burghs and others, Car. 2. p. 2. Sess. 3. c. 5. pag. 455. See the Act in *Burghs*.

That none Import into this Kingdom any Threed Lace, Fringes,

Fringes, Traces, or Buttons of Gold and Silver Threed, or any Stuffs, or Ribbons in which there is any Gold or Silver Threed, or Philagram of Gold or Silver to be worn on Apparel, or any of their Counterfeits, or any Flowred Stript, Figured, Checkered, Painted, or Printed Silk Stuffs, or Ribbons (watered, or changing Coloured Stuffs or Ribbons not included) or any Imbroidering of Silk on wearing Cloaths, with certification the thing shall be burnt or destroyed, and the Importers and Resetters fined in the value; and the wearing of any thing of the premisses after the first of *April*, 1682. is prohibite, under the pain of Confiscation of the Cloaths, and *five hundred merks* of fine, *toties quoties*, except that such as are of the Kings Forces have allowance two years after *Novem.* 1681. to wear out their Cloaths upon which there is any Gold or Silver. That none Import to this Kingdom any Forraign *Holland*, Linnen, Cambrick, Lawn, Dornick, Damask, or any other Forraign Stuff, or Cloath made of Linnen, or Cottoun, Wool, or Lint (Flannen, Arras Hangings, Carpets, made Beds of Silk, or Damask Hangings, Chairs and Stools not included) any Forraign Silk or Woolen Stockings, Laces of Silk, Gimp, or Threed, and any Laces, or Point of any sort or colour, any Forraign made Gloves, Shoos, Boots, or Slippers, and any wearing Cloaths made abroad, for Men, Women, or Children (except what Persons have used, and bring home from abroad with them) with Certification, that the thing Imported contrary hereto, shall be burnt, or destroyed, and the Importers or Resetters fined in the value: And the Act contains most strict Orders to Customers and Searchers, and appoints Informers and Judges for execution. And it is declared to be in place of any former Sumptuary Law anent Apparel, Car. 2 par. 3. cap. 12. pag. 544. The Act is, *Act for encouraging of Trade, and Manufacturies.*

TREASON. See *Rebels.*

That no man openly Rebel against the Kings Person, under the pain of forefaultour of Life and Goods, Jam: 1: p: 1: c: 3: pag: 1.

If any when required by the King disobey to enforce him against notour Rebellers against his Person, they shall be challenged as favourers of such Rebellers, *Ibid.* cap. 4. pag. 2.

He who passes in *England*, and resides there against the Kings will, shall be holden as a Traitor, Jam. 1: p: 9: cap: 128: pag: 40.

To take assurance of *English-men* is forbidden, under the

the pain of Treason, Ja. 1. p. 13. c. 141. pag. 44. And Ja. 2. par. 12. cap. 51. ¶. 3. pag 71.

Who commits Treason against the Kings Person, or Majesty, rises in feir of War against him, layes hands on his Person violently, of whatsoever age he be, resets or suplies them that have committed Treason, and holds them against the King, or stuffs houses of their own, in furtherance of Rebels, or that assailzies Castles, or places where the Kings Person shall be, without consent of the three Estates, shall be punished as Traitors, Ja. 2. p. 6. cap. 25. pag. 58.

To bring home Poyson is Treason. See *Poyson*. Jam. 2. p. 7. c. 31, and 32. pag. 61.

Persons suspect of Treason to be put in firmance, and their Goods under sure Burrows, untill they thole an Assise, Ja. 2. p. 12. c. 49. pag. 71.

That no man pass into *England* the time of War without leave, under the pain of Treason, Ja. 2. p. 12. c. 50. pag. *ibid.* That none supply *Berwick* or *Roxburgh*, or pass away with Goods taken in Raids untill they be parted, under the pain of Treason, *Ibid*, cap. 52. pag. *ibid.*

If any man raise a fray in the Host wilfully without Cause, he shall be accused of Treason. And that these Acts be intimate by the Heads-men, when Raids are made in *England*, Ja. 2. par. 12. cap. 54. pag. 71. See *England*.

A promise and Oath made by the three Estates, that none of them shall maintain, defend be Advocats, for or stand at the Bar with manifest Traitors, common Manslayers, Thieves, Reivers, and the like, except with their Kin and Friends, in sober wise, in defence of them in honest actions; but that they shall assist the King in doing Justice, and who failzies herein to be punished after the old Laws of the *Majesty*, and other Laws, Ja. 3. p. 14. c. 98. pag. 131.

Wilfull Fire-raising declared to be Treason, and Crime of *Lese-Majesty*, Jam. 5. p. 3. c. 8. pag. 201. See *Fire-raising*.

Treason against the Kings Person, or Common-wealth, may be pursued against the Airs of the Traitor, for forefaulting his Estate and Memory, Jam. 5. p. 6. c. 69. pag. 227.

To take any Prelats place the time of the Vacancy after their decease, is Treason, Jam. 5. p. 7. cap. 125. pag. 257. See it in *Prelat*.

Traitors accused and declared in Parliament, being taken and slain upon suddenty, or otherwise, who

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moves queſtion againſt, or any wayes injuries the ſaid ſlayers therefore, incurrs the pain of Treaſon, Q. M. p. 4. c. 8. pag. 268.

That no Thief take any *Scots-man*, under the pain of Treaſon, Jam. 6. p. 1. c. 21. ¶. 3. At the marginal note, *Thieves may not take leill men*, &c. pag. 371. See it in *Thieft*.

That none decline the Kings Authority, or impugn the Authority and Dignity of the three Eſtates of Parliament, under the pain of Treaſon, Jam. 6. par. 8. cap. 129. and 130. pag. 476, and 477. See them in *King and Parliament*.

He who accuſes another calumnioufly of Treaſon, if the Party be acquit incurrs the ſame Crime, Jam. 6. p. 11. c. 49. pag. 558.

Landed-men convict of common Thieft, reſet of Thieft, or Stouth, Reiff, incurr the pain of Treaſon, that is tinſel of Life, Lands, and Goods, *Ibid.* c. 50. pag. *ibid.*

Murther and ſlaughter of a Perſon under the truſt, credit, aſſurance, and power of the ſlayer, is alſo Treaſon, and puniſhable as ſuch, *Ibid.* c. 51. pag. *ibid.*

How Charges of Treaſon ſhould be execute by Heraulds or Maiſers, See Jam. 6. p. 12. cap. 127. ¶. 2. At the marginal note, *Execution of the Letters of Treaſon*, pag. 623. The Act is, *The Office of the Lyon*, &c. In *Execution*.

Wilfull ſetting of fire in Coal-heughs, is declared to be Treaſon, and puniſhable by the pains thereof, Jam. 6. par. 12. cap. 146. pag. 639. See *Meſs*, and *Religion*, and what is there made Treaſon.

It is Treaſon to call in queſtion the Kings Prerogative, in Calling, Holding, Proroguing, or Diſſolving Parliaments, or in authorizing their Acts, Car. 2. p. 1. Seſſ. 1. cap. 3. *in fine*, pag. 136.

It is high Treaſon for the ſubjects, more or leſs, upon any Pretext, to riſe, or continue in Arms, to maintain Strenghts, Forts, or Garriſons, to make Peace, or War, or to make Treaties, or Leagues with forraign Princes, or States, or among themſelves, without his Majeſties ſpecial authority firſt Interponed, *ibid.* c. 5. pag. 138.

That if any Perſon ſhall Plot, Contrive, or intend Death, or Deſtruction to the King, or any Bodily harm, tending thereto, or any reſtraint upon his Perſon, or to deprive, depoſe, or ſuſpend him, from the Stile, Honour, and King-

Kingly Name, of this, or any other his Majesties Dominions, or to suspend him from the Exercise of his Government, or to levy Warr, or to take up Arms against him, or any Commissionat by him, or to entise Strangers, or Others, to invade any of his Dominions: and by Writing, Printing, Preaching, or Other malicious, and Advised Speaking, Expres, or Declare such their Treasonable Intentions, he shall be adjudged a Traitour, and punishable as in the case of high Treason, Car. 2. p. 1. Sess. 2. cap. 2. *in medio paginæ* 290. The Act is, *Act for preservation of his Majesties Person*, &c

Act allowing Messengers to execute Summonds of Treason is marked in the Index of the Imprinted Acts, Car. 2. p. 1. Sess. 1. Act 13. pag. 359.

In cases of Treasonable rising in Arms, and open, and manifest Rebellion against his Majesty, and his Authority, the Persons guilty, upon the Councils order, may be Prosecute, and Sentenced before the Justices, albeit absent, as if present, Ca. 2. par. 2. Sess. 1. c. 11. *circa finem*, pag. 395.

It is high Treason to endeavour the Alteration, or Suspension, of the right of Succession to the Crown, as setled by Act, Car. 2: p: 3: c: 2: *in fine*, pag: 526. See it in *Succession*.

Assassination, and the asserting the Lawfulness thereof, declared to be Treason, *Ibid.* cap. 15. pag. 551. See it in *Assassination*.

THESAURER, See *Exchequer*.

TRENT DECREETS. See *Religion*.

TRESPASS, See *Crime*.

TREWES.

That the dayes of Trewes with *England* be keept, Ja. 4: p: 2: c: 11: pag: 151.

TUTORS, and CURATORS.

The nearest Agnat of twenty five years of age, to be Tutor of Law, albeit there be one nearer under age, Ja. 3: p: 7: c: 51: pag. 113.

The

The Mother remaining Widow, preferred to the Tutor in Law, as to the case mentioned in the Acts, Q: M: p: 3: c: 5: *in medio*, pag. 266. And Jam: 6: par: 2: cap: 42: *in fine*, pag. 383.

That the neareſt Agnat be preferred to the Tutory, of Fools, and furious Perſons, according to the Common Law, Jam: 6: par: 10: cap: 18. pag: 512. See *Idiotrie*.

That no Tutor, nor Curator, to Pupill, Minor, Idiot, or Furious Perſon, not already entered in the Office, have power to Act, or medle with their writs, or means untill firſt he make Inventar of the Lands, Bands, Tickets, and Compts, and all Moveables under his charge, at ſight of the Friends on the Father ſide, and on the Mother ſide. Of which Inventar there ſhall be three doubles, to wit, for the Tutor, or Curator, and Friends, on both ſides ſubſcribed by them all, and recorded before the Judge Ordinary, and in caſe the Friends on either ſide, after Citation concurr not, that the Inventars be made at ſight of the Judge Ordinary, and Signed, Sealed, and Conſigned as in the Act. That they alſo ecke as things come to their knowledge, and within two Moneths after the attaining the Poſſeſſion, and cauſe make an Act thereon, and leave two Duplicats in the Clerks hands, where the principal Inventar was made, and Debitors are not to oblidge to pay, until they ſee their ſums contained in the ſaids Inventars, and if the ſaids Tutors, and Curators faill in the premiſſes, that they be lyable, both for Intromiſſion, and Omiſſion, and get no allowance of expences, and be removeable as ſuſpect, but prejudice nevertheleſs to the ſaids Minors, and Others, to ſuper-charge their Tutors, and Curators. That all Gifts of Tutory, proceed upon Citation, or conſent, obtained in writ of the neareſt of Kin, on both ſides, and that the Gifts bear the ſame, or otherwiſe be declared null, at the inſtance of any obtaining a Lawfull Gift, Car. 2. p. 2. Seſſ. 3. c. 2. pag. 447.

U

UNION.

Commiſſion for treating anent the Union of *Scotland*, and *England*, reſerving Fundamental Laws, Rights, Offices,

Offices, Dignities, and Liberties, Jam: 6: p: 17: c: 1: pag: 789.

Act anent the Union of the two Realms, marked sig. 2. in the List of the Imprinted Acts, Jam. 6. par. 19. pag. 826.

Act authorizing certain Commissioners of the Kingdom of *Scotland*, to treat with the Commissioners of *England*, about a farther Union of both Kingdoms, Car. 2. p. 2. Sess. 2. c. 1. *Anno* 1670. pag. 425.

UNIVERSITY, and COLLEDGE.

Act impowering the Magistrats of Free-Burghs, in case they find Students, Bursares, and Masters of Colledges raging, by night, or by day, within their Towns with Arms, to take their Arms from them, Jam. 6. par. 4. cap. 227: pag: 706.

That no Masters, Principals, Regents, or Professors, be admitted, or continued, in any University, or Colledge, unless they be Pious, Loyal, and Peaceable, submitting to, and owning Episcopal Government, as now setled, and that they swear the Oath of Allegiance, and report a Certificat thereupon, as in the Act, Car: 2: p: 1: Sess. 2. c: 4: pag: 293.

Act for better Provision of the Universities, ordaining upon the Offer made by the Clergy, *fifty pounds* out of every *Thousand merks* of Bishops Rents, and *Fourty pounds*, or *Six per cent*, out of every *Thousand merks* of Ministers Rents, to be payed yearly for five years, after the year, 1664 *inclusive*, for the use of the saids Universities, in manner specified in the Act; As also the Vacant Stipends for seven years, after the sixth of *February*, 1664. are appointed for the same use, and the Fifty two Act, Sess. 1. of this Parliament, *concerning Vacant Stipends*, pag. 251. is in so farr suspended, Car. 2. p. 1. Sess. 3. cap. 24. pag. 243.

Act anent Suspensions of Charges by Masters of Universities for their dues. Car: 2: par: 2: Sess: 2: cap: 6. pag. 385. See it in *Suspension*.

Act assigning Vacant Stipends, for the better Provision of the Professors, and Masters of the Universities, according to the division therein specified, and that for seven years, from the year, 1672. *inclusive*, with the burden alwayes of upholding the Manses, and the former Act, Car. 2. p. 2.

p. 1. Seſſ. 3. cap. 24. pag. 343. is declared void, Car. 2. p. 2. Seſſ. 3. cap. 20. pag. 504.

Half a months Ceſs impoſed, and appointed for the Univerſity of *St. Andrews*, for bettering their ſtock, to be uplifted in the years 1682, & 1683. Car. 2. p. 3. c. 23. pag. 562.

USURIE.

That Takers, or Makers of Bargains, for greater Intereſt, or profite, for the loan of money, then at the rate of *Ten pounds*, or *Five Bols* Victual, *per cent*, for the year; be puniſhed as Uſurers, conform to the Law of the Land, Jam. 6. p. 11. cap. 52. pag. 559.

Extended whether the ſame be taken upon Wadd, Pledge, Obligation, Act, or Contract, before hand, or after, and the Party payand, or obliged for the ſaid Uſurie, if he reveale it, ſhall be diſcharged of the Debt, and if another reveal it, he ſhall have right to the ſum, and the Receiver, or Contracter for the ſaid unlawful profite, ſhall tine the ſtock, Jam. 6. p. 14. cap. 226. pag. 706.

But the takers of the ſaid unlawful profite, are declared to be puniſhable by Confiſcation of Moveables, and otherwiſe, in their Perſons, as Uſurers, and that all Annualrent in Victual, be reduced, and may be acquit by payment of *Ten per cent*; And all Bands, Contracts, or Infeftments, made in defraud of this Act, either by way of Wodſet, for a back-tack duty, exceeding the ſaid Annualrent, or under the Colour of buying, and ſelling, or by detention before hand, are declared null, by way of action, or exception, and the Party, with concurrence of the Kings Advocat, or the Kings Advocat, without the Party, may perſew the ſame, and the nullity may be tried by Oath of Party, or otherwiſe, and being found, the principal, with the ordinar Annual-rent unpayed, belongs to the King, and his Donators, and the Party, if he concurr, (and no otherwiſe) hath repetition of the exorbitant profites, Jam. 6. p. 15. c. 251. pag. 724.

And the meaning of this Act as to the probation by Oath of Party, &c. therein mentioned, declared thus, that Uſurie may be proven by Writ, or Oath of the Party Receiver, and by the Witneſſes inſert in the ſecurity, without taking the Oath of the Party giver, Jam. 6. p. 16. cap. 7. pag. 768.

That no Perſon lending, or giving out money for Annual, retain the time of the lending, or exact, or require the Annual before the term, under the pain of Uſurie.

ſurie. Yet at the time of the lending the Annual may be added, to the principal, providing that neither be exacted before the term, Jam. 6. p. 23. c. 28. pag. 1007.

It is Uſurie to take a proper Wodſet of Lands, exceeding in Rent the Annual-rent of the money lent, with a proviſion, that the Creditor ſhall not be lyable to the hazard of the Fruits, and Rents, Car. 2. p. 1. Seſſ. 1. cap. 62. *In fine* ¶. 13. pag. 274.

V

VACANT STIPENDS.

That all Vacants Stipends, and Benefices, be imployed for the ſupply, and reparation of the loſſes of ſuch in the Miniſtry, or Univerſities, as were thruſt out, and ſuffered for their Loyalty, in the late confuſions, and of their Wives, and Bairns, and that at the ſight of the Council, without prejudice to the Relict, and Executors of Miniſters, of their dues after the Miniſters deceaſe, and this Act to endure for ſeven years, and longer, as his Majeſty ſhall think fit, Car. 2. par. 1. Seſſ. 1. cap. 52. pag. 251. See *Manſes*.

VAGABONDS, See *Beggers*, *Poor*, and *Sorners*.

That all men certifie concerning Vagabonds, and ſuſpect Perſons, that they may be apprehended, under the pains due to theſe Vagabonds, Jam. 6. par. 12. cap. 146. pag. 637. The Act is, *For puniſhment of the receipters of Traitors*, &c.

Act for eſtabliſhing Correction Houſes in the Burghs, and in manner mentioned in the Act, for idle Beggars, and Vagabonds, Car. 2. par. 2. Seſſ. 3. cap. 18. pag. 496.

VALENTINES.

The Kings cloſe orders to Land-lords, and Chiftains of Clanns, to produce notable Limmers, which ſhould be obeyed, Jam. 6. par. 11. cap. 104. pag. 587. See it in *Highlands*.

VICTUAL.

VICTUAL.

That buyers of Victual, and holders thereof to a dearth be repute as Ockerers, and so punished, and the Victual escheat to the King, Jam: 2: par: 6: cap: 23: pag: 58.

That none that buy Victual to sell again, hold more then will sustain them, and their meanzie, till new Corn, under the pain of escheat of the Victual, and that all have power to buy, and sell Victual, and that none hold old stacks in their Yeards, longer then *Yule*, under the pains of escheat of the Stacks, *Ibid.* cap. 24. pag. *ibid.*

Order for threshing out of Corns, then unthreshen, Ja. 2. par. 9. cap. 38. pag. 65.

That no man hold Victual in Girnels, but allannerly for his own use, and finally until *Michaelmes* then next, *Ibid.* cap. 39. pag. *ibid.*

That no man hold more then will serve him, and his House for a quarter, and that the rest be presented in *Mercat*, *Ibid.* cap. 40. pag: *ibid.* These three Acts seem to have been made for a pressing dearth.

That inbringers of Victual be favourably treated, and no new Custome taken off them, Jam. 2. p.10. c.40. pag. 66.

All men are free to bring, and sell Victual, all the dayes of the week, as well as on the Mercat day, Jam. 4. p.4. cap.44. *in fine* pag. 168. The Act is, *Anent the taking of multure of Flowre*, &c.

That none carry Victual forth of the Realm, under the pain of escheat of it, with the rest of the Owners Moveables; as also of the Skippers Moveables, who received it, Q: *M*: p. 6. cap. 40. pag. 296.

Another Act against the transporting of Victual, and Gudes, (See *Bestial*) either by Land, or by Sea, and for staying the transport of Victual by Sea, that the Ship, and whole Gudes of the *Master*, and Clerk thereof be escheat, in case of Contravention, and their Persons Imprisoned at the Kings will, and that Searchers be appointed by the Burgh, to search with the Kings Searchers, and the one half of the Victual found, to be escheat to the King, and the other to the Burgh, Jam. 6. p. 11. cap. 55. pag. 561. See *Bestial*.

That notice be taken what Victual Ships take in at their passing to *Loch-broom*, and the *North-Ilses*, to the Fishing in the Harvest, *Ibid.* cap. 57. pag. 563. That

That Victual may be transported when under the prices following, Wheat, *Twelve pounds*, Bear, and Barley, *Eight pounds*, Oats, and Peaſe, *Eight merks per Boll*, the former Acts notwithſtanding, the Victual paying Cuſtome, and Bullion, as formerly, but the Lords of Privy Council when they find it neceſſary, may forbid this export, Car. 2. par. 1. Seſſ. 3. cap. 12. pag. 327. The Act is, *Act for encouragement of Tillage and Paſturage.*

Impoſition of *Three pounds Scots per Boll* on Victual brought from *Ireland*, *ibid.* cap. 14. pag. 329. See *Ireland.*

Victual exported diſcharged of Cuſtome, Bullion, and all dues, except *one merk per Chalder*, and the Lords of Council are authorized to declare the prices as in the Act, Car. 2. p. 1. Seſſ. 3. cap. 12. (above) and reſtrain this export when they ſee cauſe, Car. 2. par. 2. Seſſ. 1. cap. 14. pag. 406.

Act diſcharging the Importation of Victual from *Ireland*, Ca. 2. par. 2. Seſſ. 3. c. 3. pag. 450. See *Ireland.*

VIOLENT POSSESOR.

That Violent Intruders, and Poſſeſſors of other mens Lands, be ejected by the Sheriff, upon the complaint of the Party, Ja. 2. p. 14. c. 78. pag. 82.

W.

WODSET.

Tacks ſet at the granting of Wodſets, to Commence after the Redemption, for half Mail, or thereby, not to be keept, but they ſhould be ſet for the true Mail, Jam. 2. p. 6. c. 19. pag. 56. See it in *Tacks.*

That in caſe of proper Wodſets granted ſince the year, 1649. where the Rent exceeds the Annual-rent, and yet the Creditor is expreſly freed of the hazard of the Fruits, and Rents, that the ſame be reſtricted to the ordinary Annual-rent, and the *Superplus* Rent compted for and imputed to the payment of the principal ſum, and that all ſuch Wodſets in time coming be judged uſurary; and where the Creditor bears the ſaid hazard, yet if there be any Clauſes Irri-

tant in the ſaids Wodſets, the ſame are ſuſpended for five years after *Whitſunday*, 1661. As alſo the Debitor is allowed to redeem, at any *Whitſunday*, or *Martimes* he pleaſes, albeit by the right, the Redemption be ſuſpended, but where the Creditor, and Granter of the Wodſet, have tranſacted for an Irredimable right, the ſaid Tranſactions are declared valide at what time ſoever the ſaids Wodſets were granted; And farther becauſe of the difficulties of former times, It is ordained that in caſe of any proper Wodſet already granted, the Creditor in time coming during the not Requiſition, or Redemption, upon offer made by the Debitor of ſufficient ſecurity, for his Annual-rent, ſhall be holden to renounce his Poſſeſſion, at leaſt (if this he rather pleaſe) to reſtrict the ſame to his ordinary Annual-rent, and be comptable for the *Superplus*, Providing alwayes that the Creditor hath got compleat payment of his Annual-rents, for all years preceeding, all publick burdens, expences of Meliorations, and loſſes whatſoever, being firſt diſcounted; Of which Deductions, the Lords are to take any reaſonable probation with the Creditors Oath in Supplement, and that where he is in natural Poſſeſſion with his own Goods, he be duly warned and removed: And it is declared that after this favour the like ſhall not be granted hereafter, as to lawful proper Wodſets. Car. 2. Seſſ. 1. cap. 62. At that part of the Act anent Wodſets, pag. 274. to the end of the Act. The Act is, *Act for ordering the payment of Debts, betwixt Creditor, and Debitor.*

WARDEN of the BORDERS.

That the Warden chooſe ſuch Deputes as he will ſtand for, and that the King aſſiſt him and his Officiars, Jam. 2. par. 6. c. 16. pag. 56. The Act is, *Trewes on the Borders ſhould be kept*, &c.

That there be no Wardens of the Borders made in Fee, and that they Judge not of Treaſon, or points of Dittay, ſaving what is needful for conſervation of the Trews, Ja: 2: p: 11: c: 42: pag. 68.

That no man go away with Goods taken in the Wardens Raids before they be parted, under the pain of Treaſon, Jam: 2: p: 12: cap: 52: pag: 71. The Act is, *That no Scotſman ſupply* Berwick, &c.

The Warden may continue his Courts for three dayes, or more, Ja. 3. p. 11. c. 86. pag. 126.

WAR-

WARDEN of the CUINZIE, See *Money.*

That there be a Warden for essaying the Cuinzie, Jam. 3. p. 13. c. 93. *in medio*, pag. 129. And his Office more fully set down, Ja. 4. p. 1. c. 2. *in medio*, pag. 146.

WAIRD-HOLDING, and WARDATAR.

That the Wardatar required by the Sheriff find soverty not to destroy the Lands, but to keep them in siclike kind as he finds them, and that a reasonable Living be given to the Air, if he have no other Lands, Jam. 4. par. 3. c. 25. pag. 158.

Ratified, and the Sheriff and other Officiars strictly enjoyned to put it in execution, with power to charge for the said soverty, Ja. 5. p. 4. c. 15. pag. 205.

The perfect age of an Air Male in Waird-Lands said to be twenty one years, and of an Air Female fourteen years compleat, Q. M. par. 3. cap. 5. *Circa finem*, pag. 266. And, Jam. 6. p. 2. cap. 42. *in fine pagina* 383.

That such as hold Lands Waird or Few, *cum maritagio* of the King, or of the Prince, componing therefore, and getting the same changed to Few, shall be free of the marriage, as to all other Superiours of whom they may hold other Lands Waird, siclike as if they had continued to hold of the King, or Prince, as formerly: But if they Annailzie their Lands so changed, then the Alienator and his Airs to have no longer the benefit of this Act, Car. 2. p. 1. Sess. 1. cap. 58. pag. 259.

WAIRNING, See *Removing.*

That Wairning be made to Tennents fourty dayes before *Whitsunday* any time within the year, either personally, or at their dwelling places, and on the Ground of the Lands, and a Copy delivered to Wife or Servants, or failzieing thereof, affixed on the Gate of the dwelling place of the saids Lands, if any be, and thereafter the Precept to be read in the Paroch Kirk where the Land ly, upon a Sabbath before noon, the time of Preaching, or Prayers, and a Copy affixed on the Kirk door fourty dayes before the Term, Q. M. p. 6. cap. 39. pag. 295.

WATER-METT, See *Metts*, and *Measures*.

WAYES.

Wayes to Mercat Towns should be twenty Foot-broad at least, and where larger, keept so, Car. 2: p:1: Sess: 1: c: 38: ¶.10. *in medio pagina* 212. See *Justices of Peace*.

Power and Rules given to the Sheriffs and Justices of Peace, to oversee and mend High wayes, Bridges, and Ferries, and the Heretors in each Shire required to stent themselves, if needful, for that effect, not exceeding *ten shillings* on the *Hundred pounds per annum*, and if the Justices neglect, the charge is committed to the Council: As also. Letters of Horning and Poynding are ordained to be direct by the Council upon this Act, Car. 2. p. 2. Sess. 1. c. 16. pag. 409.

Act correcting the former as to the terms of mending therein specified, and referring it to the Justices at what time to call the Countrey to mend Wayes, *&c.* Seed-time and Harvelt excepted; and to take money, (as In the Act,) from such as by reason of their distance cannot attend, *ibid.* Sess. 2. c.9. pag.438.

WEAPON-SHAWING. See *Militia*.

That Weapon-shawing be made in ilk Shire four times in the year, Jam. 1. p. 2. cap. 44. pag. 10. And sielike in Burrows, and that all men be sufficiently Harnished and Armed, Jam. 1. par. 3. cap. 60. pag. 15. As also, that they be holden by Lords and Barrons Spiritual and Temporal, four times in the year; and that the Foot-ball and Golff be cryed down, and Bow-marks made in each Paroch, and all betwixt twelve years and fifty use shooting, Jam. 2. par. 14. c. 64. pag.77. And, Jam.3. p. 6. cap.44. pag.110. The Act is, *The length of Spears*, &c.

That all the Leiges be ready, well abuilzied for Warr upon eight dayes warning, to come to the King, or his Lieutennent, for defence of the Realm, furnished with Victual and Expences for twenty dayes after their coming: And that Sheriffs, and also Baillies of Regalities and Bartonies, hold the saids Weapon-shawing, and amerciat them that

that are absent, or not well abuilzied, as in the former Act, Ja. 3. p. 13. cap. 89. pag. 127.

That the said Weapon-shawing be made as saids is, in all places convenient within the Shire, and that men be armed, as is prescribed in the Act, and at the discretion of the Sheriff, or the Kings Commissioner in that part, Jam. 4. p. 3. c. 31. pag. 161. And that neither Foot-ball, or Golff, nor unprofitable sport for the defence of the Realm be used, but shooting and Bow-marks, as is before appointed, *Ibid.* cap. 32. pag. 162.

That for keeping of Armour and Harness in time of peace, all *Scotland* make Weapon-shawings on *Thursday* in *Whitsun*-Week, Ja. 4. p. 6. c. 75. pag. 184.

That Weapon-shawings be made twice in the year, in the moneths of *June* and *October*, at such dayes and place as shall please the Sheriff and Baillies to Burgh and to Land; And that the Musters be taken by them, or the Kings Commissioner in that part, Ja. 5. p. 6. c. 85. pag. 238.

The manner of Harness and Weapon-shawings appointed, *Ibid.* c. 87, and 88. pag. 239. And that all coming to Weapon-shawings be inrolled, with the manner of their Arms yearly, *Ibid.* cap. 89. pag. 240. And warnings to Weapon-shawings to be on twenty dayes, *Ibid.* cap. 90. pag. *ibid.* And that Captains one or moe be chosen in ilk Paroch, by the Sheriff, and Baillie, with the Kings Commissioner in that part, by the advice of the most able in the Shire, to Muster their Companies twice each moneth for *May*, *June*, and *July*, and other moneths also if they may, at what dayes they shall think fit, on Holy dayes before noon, *Ibid.* c. 91. pag. *ibid.* See *Militia*.

WEAVER.

That no Weaver make any Searge under the breadth of an Ell and a Nail, Perpetuanes under three Quarters and an half, and Wollen Cloath under an Ell and an Half, under the pain of *twenty pounds*, and the Cloath or Stuff to be confiscat, half to his Majesty, half to the discoverer. Car. 2. p. 1. Sess. 1. c. 42. *circa finem*, pag. 240.

That they make Linnen Cloath of *ten shillings per* Ell, or above, an Ell and two Inches broad, under the pain of Imprisonment, and *twenty pounds* Fine, *Ibid.* cap. 43. *in medio*, pag. 241. See it in *Linnen*.

WEIGHTS, See *Metts*, and *Measures*.

That Bread, and all Butcher-Flesh be retailed by weight, and no otherwise, under the pain of *an hundred pounds toties quoties*, Car. 2. p. 3. cap. 24. pag. 562.

WIFE.

That in Pecunial pains, Wives be weighed and considered conform to the Blood and State of their Husbands, Jam. 6. par. 7. cap. 103. *in medio*, pag. 444. The Act is, *For punishment of the Blasphemy of Gods Name.*

That Wives be lyable in their Husbands Fines, and that their Husbands pay the same for them; This Statute in the case of Swearing, Car. 2. par. 1. Sess. 1. cap. 38. *circa medium pagina* 219. The Act is, *Anent Justices of Peace*, &c.

But in the case of Conventicling, the Wife's Fine is but the half of her Husbands, and he is lyable for it, Car. 2. par. 2. Sess. 2. cap. 5. *circa finem pagina*, 431. See it in *Conventicles*.

WILDE BEASTS, and FOWL.

That no Wilde Fowl be taken from the beginning of *Lentron*, until *August*, by no manner of Instrument, under the pain of *Fourty shillings*, Jam. 1. p. 7. c. 108. pag. 34.

That Wilde Fowl for mans use be reserved, but Fowls of Reiff, as Eirns, Gledds, *&c.* As also Ruiks and Crows be destroyed, Ja: 2: p: 14: c: 84: pag: 84.

That no man slay Dae, Rae, nor Deere in time of storm, or their Kids while they be an year old, under the pain of *ten pounds*, Jam. 3. p. 7. c. 60. pag. 115. And Q: M: par. 6. c. 58. pag. 306. And the pain augmented to *an Hundred pounds*, Jam. 6. par. 14. cap. 214. *In fine*, pag. 699. And all former Acts thereanent Ratified, Jam. 6. p. 23. c. 32. pag. 1011. See *Stalkers*, and *Thieft*.

That no man shoot a Deere, Wilde Beast, or Wilde Fowl, with any sort of Gun, under the pain of Death, and escheat of Moveables, and that their Moveables be given

given for reward to their Apprehenders, Q: M: p.4. cap.9. pag: 269. And p.6. c.51. pag.302.

Renewed againſt ſuch as ſhoot with Guns, or Bows, at Dae, Rae, Hinde, Hare, Cunning, Dove, Heron, or Fowl of River, under the pain of eſcheat of Moveables, and if the Offender be Vagabond, having no Goods, to be puniſhed by Impriſonment fourty dayes for the firſt, and cutting off his right hand for the ſecond fault, Jam. 6. p.1. c.16. pag.366.

Ratified, and that the Judge Ordinar put the ſame to execution, under the pain of *an hundred pounds* for the firſt fault, and to be ſtill doubled for each failzie thereafter; and that Heretors, when required, preſent the Offender living upon his Ground, under the pain to be exacted off him by the Judge Ordinary, Jam: 6: p: 7: cap. 123. pag.470. And both thir Acts Ratified, and the Crime ordained to be puniſhed as the Crime of Thieft, Ja: 6: p: 11: c: 59: pag. 564.

That who ſlayes Hart, or any Wilde Fowl at any time, with Gun or Girn or ſhoots at Duck or Drake, or other Wild Fowl with an Hagbut, incurrs the pain of *an hundred pounds*, or to be puniſhed in their Perſons, Jam: 6: p: 14: cap: 214: *in fine*, pag:699. See this Act in *Forreſts*.

And theſe Acts Ratified, with power to Sheriffs, Stewards, Baillies, and Barrons, to ſlay all lying Dogs uſed by Fowlers, and put the Fowlers in the Stocks for uſing them, the ſpace of fourty eight hours. Jam. 6. par. 15. cap. 270. pag. 740. And, par. 16. c. 23. pag. 780. And that none ſell or buy any Deere, Hares, or Wilde Fowl commonly chaſed by Haulks, under the pain of *an hundred pounds*, as well the buyer as ſeller, half to the King, half to the Apprehender; and in caſe of Inability, the Offender to be ſcourged: And all Judges to Burgh or Land, and Barrons, are hereto made Juſtices: And that none ſlay or eat Muir-Pouts before the third of *July*, nor Partridge-Pouts before the eight of *September*, but Cunnings, Wood-cock, Plever, and Wild Gooſe are excepted from this Act, *Ibid.* p. 16. c.23. pag. 780.

That none buy or ſell any Wild Fowl, that is Pouts, Partridges, Muir-Fowl, Black-Cocks, Gray Hens, Termigants, Quaillies, Capercaillies, *&c.* under the pain of *an hundred pounds* to the buyer or ſeller, Jam. 6 p.23. cap.30. pag. 1010. See *Hunting* and *Haulking*.

WINE.

That none buy Wines from *Flemings* of the *Dam*, under the pain of eſcheat, Ja. 1. p.13. c. 147. pag.45. That

That none bring home corrupt or mixt Wine, and that none buy or sell it after it is declared to be such, and that no person mix Wine or Beer, all under the pain of Death. Ja. 3. p. 12. cap. 88. pag. 126.

That Wines brought in by the East and North Seas be sold, the *Burdeaux* Wine for *twenty pounds* the Tun, and *ten pennies* the Pint; The *Rochel* Wine for *sixteen pounds* the Tun, and *eight pennies* the Pint: And the Wines brought in by the West Seas, to be sold the *Burdeaux* Wine for *sixteen pounds* the Tun, and *eight pennies* the Pint, and the *Rochel* Wine at *twelve* or *thirteen pounds per* Tun, and *six pennies per* Pint: And that no Taverner mix Wines, nor huird the same, but expose them to sale for the prices foresaid, under the pain of escheating of his Wines, and tinsell of his Freedom, Q: M: par. 5. cap. 11. pag. 275.

Ratified as to mixing and huirding of Wines, and the Magistrats of Burghs made Justices in that part, with power to seaze and hold Courts monethly for that effect, Jam. 6. p. 7. c. 126 pag. 472.

That no Wines be brought home without a Certificat of the price thereof, under the Towns Seal where they were bought, and one Certificat be sufficient for the Wines of a Ship, and the price be made of the common prices that Wines give the time of the buying, Jam: 6: p: 11: c: 53: *in fine*, pag: 561.

That the Duty granted by the Estates to the King upon the Wines be payed within ten dayes after the arriving thereof, and that the Magistrats of the Burgh take Caution of the Merchant, Mariner, or Home-bringer, for this effect: And that Letters of Horning on ten dayes be direct against the saids Magistrats; Home bringers, or their Cautioners, in the option of the Collector, on this Act, and that the Person Denounced thereupon for disobedience, be not relaxed, untill he pay the double of the Duty, Jam. 6. p. 14. cap. 210. pag. 696.

Custome of Wines. See *Customs*.

WITCH-CRAFT.

That no man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to have such Craft, there through abusing the people; And that no man seek any help or response, or Consultation at any such users, or abusers, under the pain of Death, to be execute by any Judge Ordinary thereto having power, Q: M: p. 9. cap. 73. pag. 321.

WIT-

WITNESSES.

That hereafter only subscribing Witnesses be probative of the Parties Subscription, and that none in this case Subscribe as Witness, unless he know the Party, and saw him Subscribe, or heard him give warrand to the Notar, or saw him touch the Pen, or heard him acknowledge his Subscription the time of the Witnesses Subscribing, otherwise they shall be repute and punished as accessory to Forgery. That hereafter none but Subscribing Witnesses be probative in Instruments of Seasing, or Resignation *ad remanentiam*, or of Intimation, or in Messengers Executions of Inhibitions, Interdictions, Hornings, or Arrestments, or in Executions of Summonds used for Interruption of Prescription in real Rights; And that in all the said Cases the Witnesses be designed in the Body of the Writs, Instruments, or Execution, otherwise the same to be null, Car. 2. p. 3. c. 5. pag. 533.

COMMON WOMEN.

That Common Women be put at the outmost end of Towns, Ja. 1. p. 4. c. 74. pag. 20.

WOOD. See *Forrests*, *Planting*. and *Thieft*.

That the unlaw of Green Wood, by selling, or burning, be *five pound*. And that the old unlaw of Green Wood, as to the destroyers, stand otherwise as before, Jam. 4. p. 6. cap. 71. pag. 182.

That every Lord or Laird, Plant at least an Aiker of Wood, where there are no great Woods or Forrests, *Ibid.* cap. 74. pag. 156.

That the pain of destroying Green Wood, by cutting, peiling, burning or selling, or of new Hainings, be for the first time *ten*, for the second *twenty pounds*, And for the third time *Death*, Jam. 5. p. 4. cap. 11. pag. 203.

That these Acts be execute, and that the Judges ordinary hold two Courts yearly, at *Pasch* and *Martimes*, for that effect, and cause Contraveeners find Caution to desist under the pain of an *hundred pounds*, as oft as they shall contraveen, Jam. 6. p. 1, cap. 30. pag. 375.

That the stealers, peilers, or destroyers of Green Wood, or

or hained Broom, may be pursued before the Barron, Sheriff, or Justice; and the pains, *ten, twenty*, and *fourty pound*, or Prison, Stocks, or Irons, for eight, fifteen, and thirty dayes, for the first, second, and third fault, Jam. 6. p. 6. c. 84. pag. 428.

That wilful Destroyers, and Cutters of growand Trees, be punished to the Death as Thieves, Jam. 6. p 11. c. 83 pag. 576. The Act is, *Hochers, or Slayers of Horse, Oxen*, &c.

WOLF.

That Barrons hunt and chase the Wolf, and the Wolfs whelps, fourtimes a year; and as oft as they see them: And that the Tennents assist, Jam. 1. par. 7. cap. 104 pag. 32.

That the Sheriff and Ballie hunt the Wolf thrice in the year, betwixt St. *Marks* day, and *Lambes*: And that the Countrey rise with them for that end, Jam. 6. par. 14. cap. 87. pag. 85.

WOOL.

That no Wool be transported out of the Kingdom, under the pain of Confiscation thereof, and of the whole Remanent Goods of the Owners and Transporters. And that no Licence be granted contrary to this Act, but that the Purchasers and users thereof, incurr the same pains, Jam. 6. par. 7. cap. 113. *circa finem*, pag. 459. The Act is, *Against the excess of costlie cleithing*, &c.

This Prohibition is subjoyned to the Regulation then made of mens Apparel.

That Wool be not transported to *England*, nor sold to any *English-man* in *Scotland* or *England*, who transports the same to *England*, under the pain of Escheat thereof, and of all the moveables of the actual Transporters. As also, of the Causers and Sellers thereof to be transported, half to the King, and half to the Apprehender, and Wairding for six Moneths, and otherwise at the Kings will, annulling all Licences either granted or to be granted, Jam. 6: p. 12: c. 151. pag. 642.

These Acts Ratified, and all Licences in the contrary discharged; and the King promises, To grant no such Licences for hereafter, Ja. 6. p. 15. cap. 254. pag. 729.

That no Native or Stranger export Wool, nor Skins with wool upon them, until made in work, or put to the best avail, under the pain of the just value thereof, half to the King,

King, and half to the Informer and Prosecutor, and such farther punishment as the Exchequer shall appoint. That none fore-stale the Mercat of Wool, nor keep up the same to a dearth, under the pain against Regraters and Forestallers, (see *Fore-stallers*) and that for eschewing the deceit of putting stones or the like stuff therein, No Wool be wrapt up in the Fleece, under the pain of Confiscation, half to King, and half to the discoverer and pursuer, Declaring alwayes, that the Exchequer may Licence the export of Wool and Skins, as they shall see cause. Car. 2. p. 1. Sess. 1. cap. 40. *in medio* pag. 232. The Act is, *Act for erecting of Manufactories.*

WRITERS, See *Session.*

That Clerks of the Signet be sworn to be Faithful and secret. Ja: 5: p: 5: c: 59: pag: 223. *Item*, what prices they should take. *Ibid.* cap: 60: pag. *ibid.* And that they mark their Bills with their names, *ibid.* c. 61. pag. *ibid.* See the Acts in *Session.*

That Writers to the Signet Frame no Signature or Letter, to be past His *Majesties* hand, with any Novelty or Informality against the accustomed Stile, under the pain of Deprivation. And that they write their Names on the back of the Signature, as allowed by them, as they will answer at their highest peril, Jam. 6. par. 10. c. 13. *circa medium*, pag. 509.

Prices appointed for Writers, Clerks, and Keepers, and their Writs and Seals, Ja: 6: p: 23: c. 19. pag. 310. See *Prices.*

WRITS.

That all Original Writs and Evidents to be made after the first of *Novemb.* 1593. contain the Writers Name and Designation, specially insert in the end before the Inserting of the Witnesses, otherwise that the same make no Faith, Ja. 6. p. 13. c. 173. pag. 665.

That all Writs Subscribed hereafter wherein the Writer and Witnesses are not designed be null, and not Suppliable by a Condescendence on the Writer and Witnesses their Designations, Car: 2: p: 3: cap: 5: pag: 533. *Anno* 1681. See it in *Witnesses.*

FALSE WRITS. See *Falshood.*

YEARD, See *Orchard.*

YARES, See *Cruves.*

YOUTH, See *Pedagogue.*

That the Youth going out of the Kingdom, abide constant in the true Religion, Jam. 6. p. 6. c: 71: pag: 411. See *Religion.*

That such as send their Sons abroad, have a special Care, that their stay may be where the true Religion is professed, specially where they want Pedagogues, at least where the Inquisition is not, and in case any of these Sons haunt the exercise of contrary Religion, these that have the Charge of them may be straitned to find Caution, to furnish them no more money, except their reasonable expences to bring them home, Jam. 6. par. 20. cap. 2. pag. 829.

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ZETLAND. See *Orkney.*

FINIS.